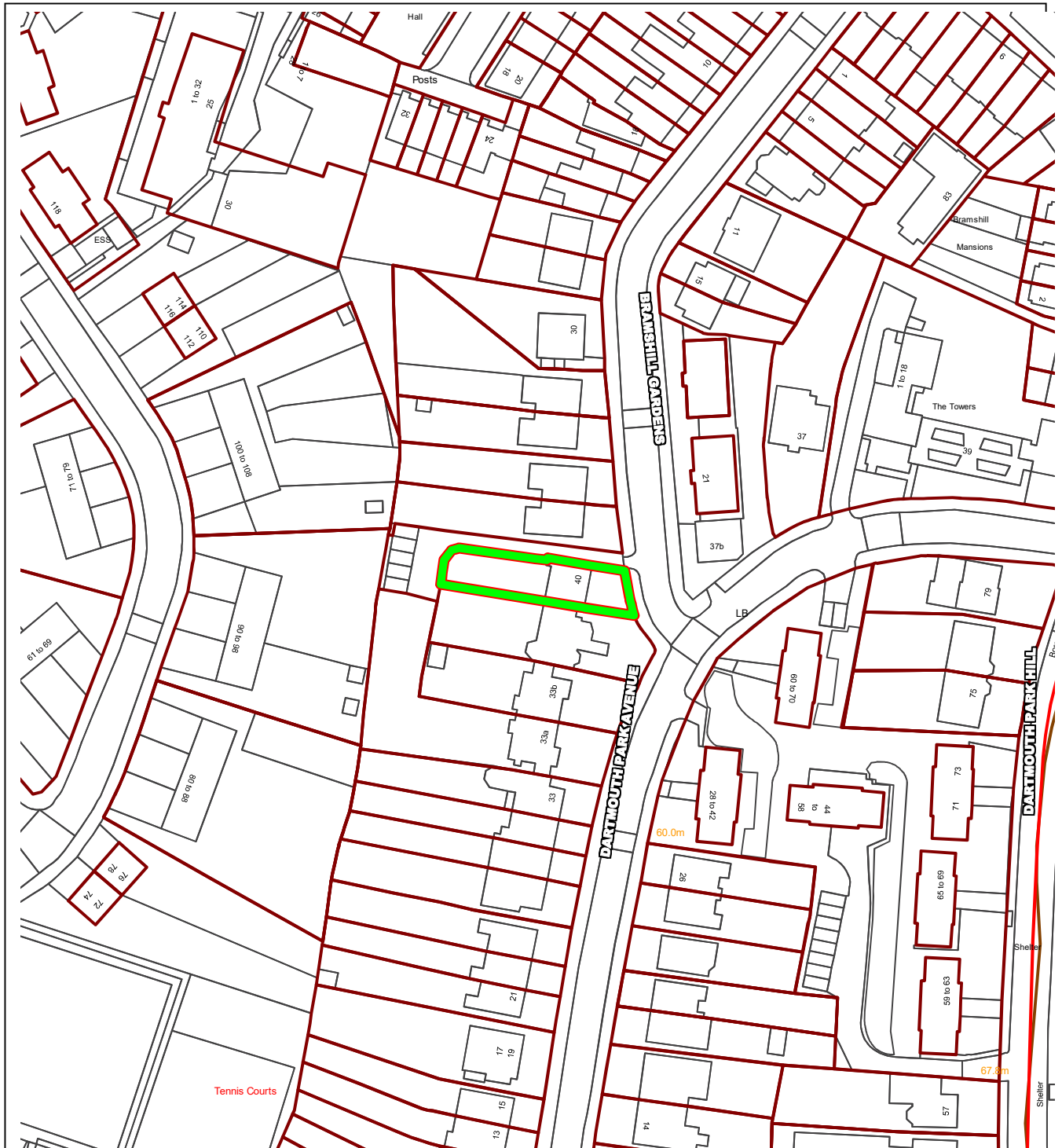


2004/1312/P
40 Bramshill Gardens, NW5 1JH



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2024/1312/P 40 Bramshill Gardens, NW5 1JH



Fig 1. (Above) Aerial photo showing the front and side elevations.



Fig 2. (Above) Aerial photo showing the rear elevation and relation to neighbouring dwellings either side.



Fig 3. (Above) Photo showing the front elevation in street context



Fig 4. (Above) Photo of side elevation



Fig 5. (Above) Montage view from rear elevation to show garden and neighbours proximity and relationship to site.



Fig 6. (Above) Photo of rear elevation and relation to neighbouring dwellings either side.



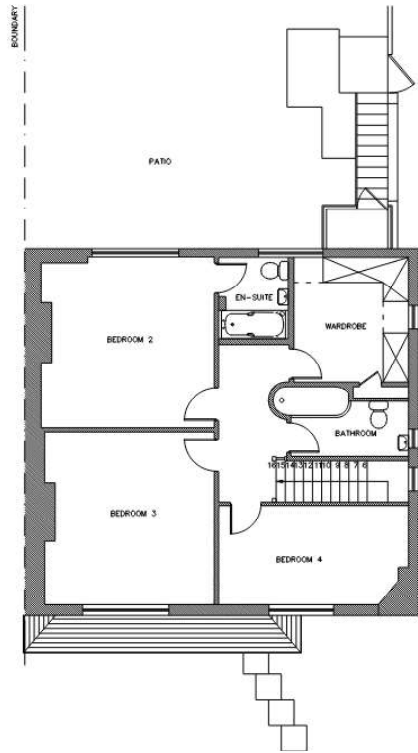
Fig 7. (Above) Views from rear elevation North onto the Neighbour No. 38 Bramshill Gardens.



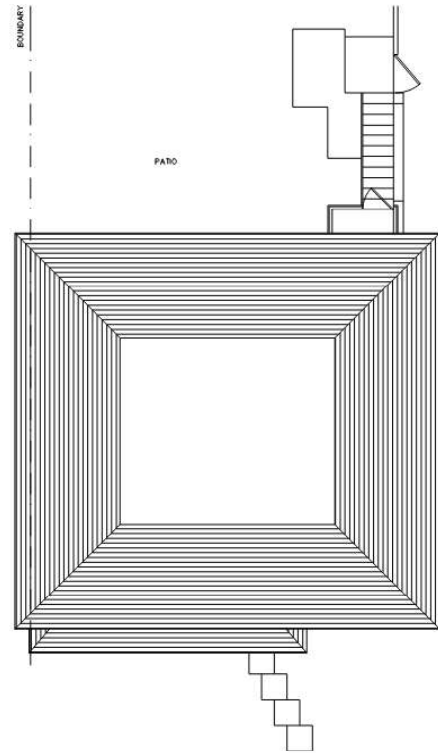
Fig 8. (Above) Side Elevation



Fig 9. (left) Views South from the rear elevation across to the Neighbour 35 Dartmouth Park Avenue



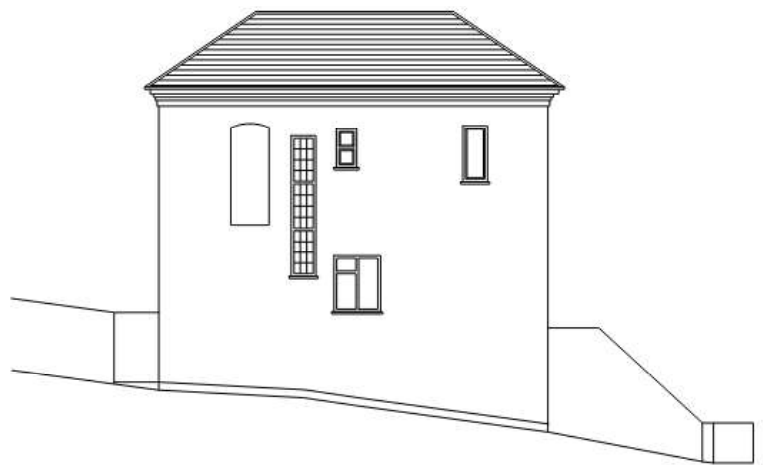
EXISTING FIRST FLOOR PLAN



EXISTING ROOF PLAN



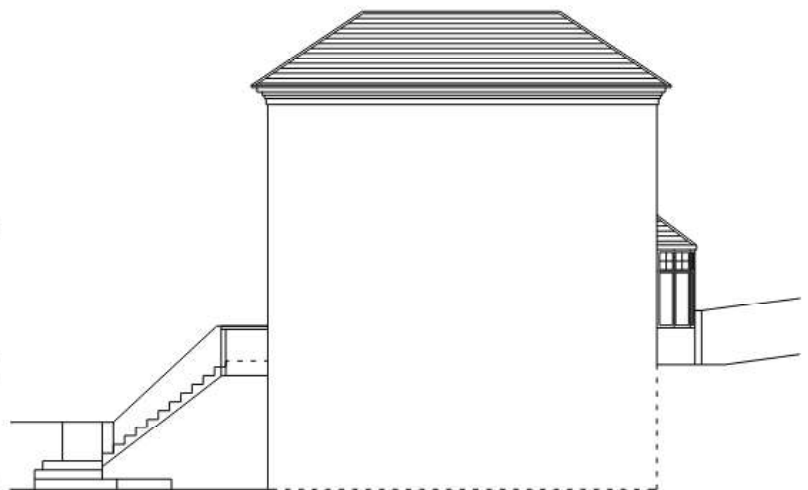
EXISTING FRONT ELEVATION



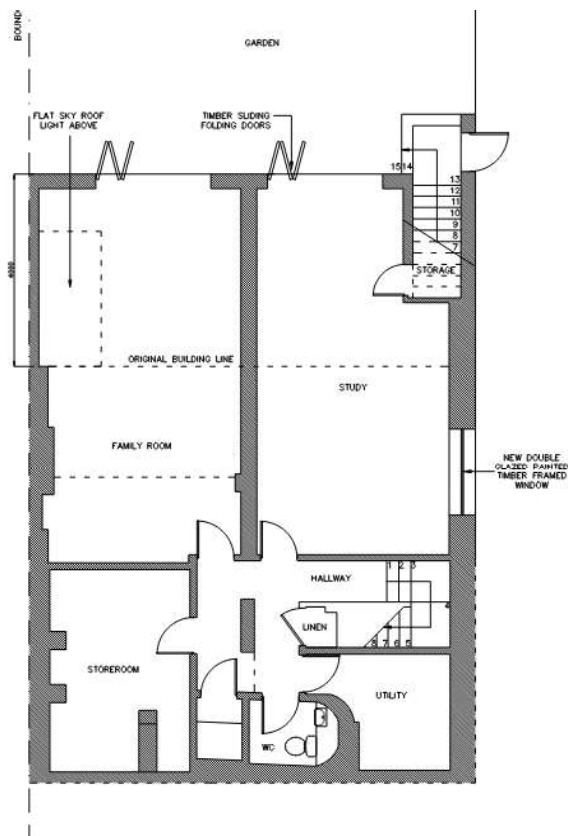
EXISTING SIDE ELEVATION



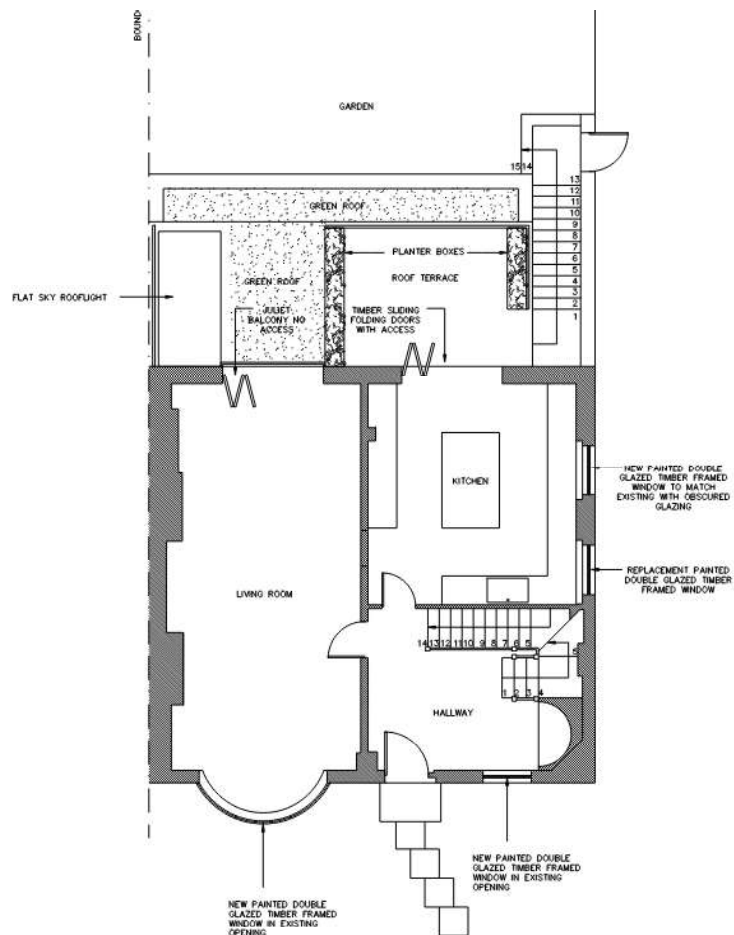
EXISTING REAR ELEVATION



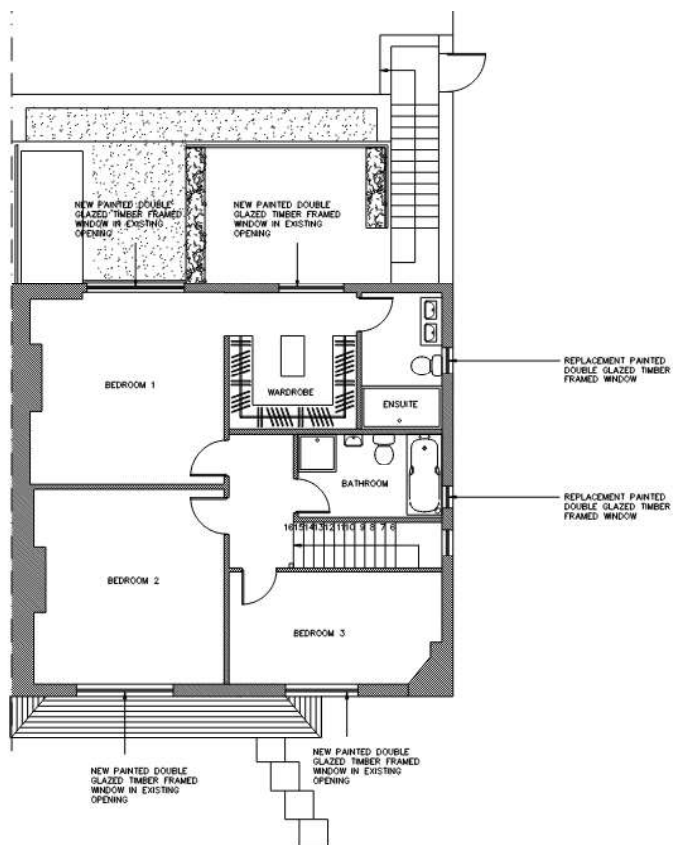
EXISTING SIDE ELEVATION



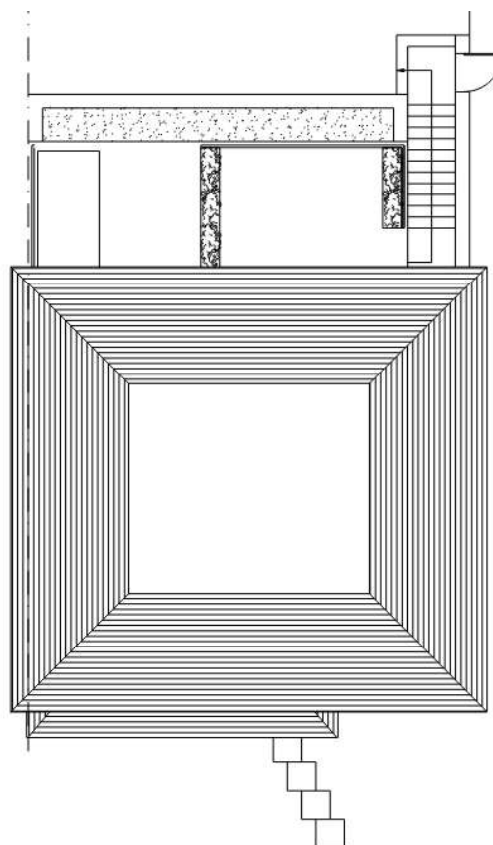
PROPOSED LOWER GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



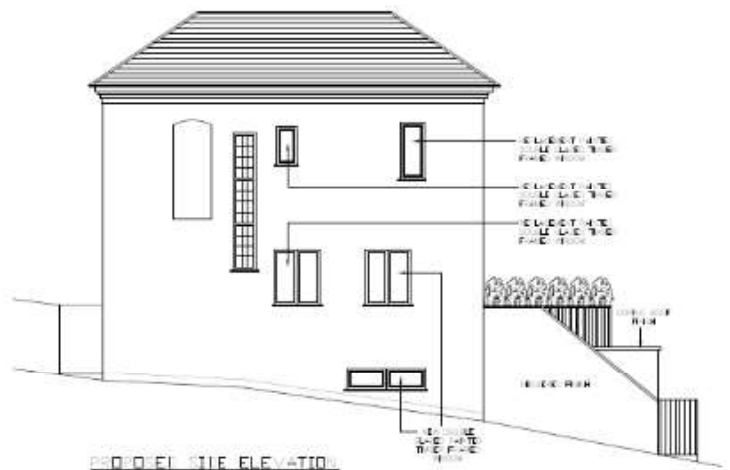
PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN



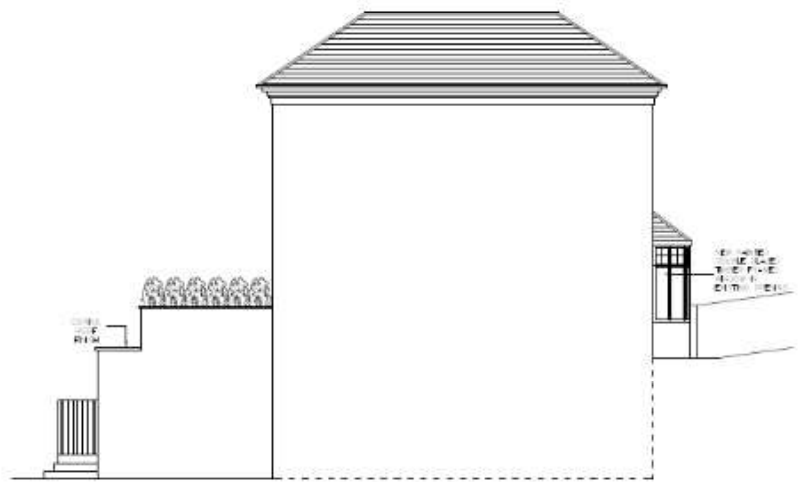
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	29/05/2024
		N/A / attached		Consultation Expiry Date:	31/07/2024
Officer			Application Number(s)		
Adam Afford			2024/1312/P		
Application Address			Drawing Numbers		
40 Bramshill Gardens London Camden NW5 1JH			See Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single-storey rear extension with roof terrace above and staircase to garden. Replacement timber-framed double-glazed windows of similar appearance to front and side elevations. Insertion of two new windows to the side elevation at both ground floor and lower ground floor level. Alterations to the rear fenestration include; Replacement of rear door with sliding doors, replacement of window at ground floor with insertion of Juliet balcony and the alteration to windows on 1 st floor.					
Recommendation(s):		Grant subject to conditions			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	03
			No. Electronic	00		
Summary of consultation responses:	Three consultation responses have been received raising the following points:					
	<p>38A Bramshill Gardens</p> <ul style="list-style-type: none">Our concerns are primarily centred around the significant loss of privacy due to the side windows and the overlooking of our garden from the proposed balcony.Potential noise and disturbance from terrace use.Impact of privacy; overbearance and overshadowing <p>49 Fordington Road</p> <ul style="list-style-type: none">precedence set by the proposed terraceintrude on the privacy of nearby householders and their gardensIn addition , some activity on this terrace bythe householders could create noise for the neighbours ,eg music /parties.Whilst the proposed side screens may give some protection they are themselves an unattractive mass and create shadow. <p>35b Bramshill Gardens</p> <ul style="list-style-type: none">Subsidence caused by rear extensionPrivacy loss neighbours 38ANoise from terrace useLight pollution from roof light <p>Officer's response:</p> <ul style="list-style-type: none">With reference to the terrace screens, the amended plans (23-1220-07-E) propose a softer form of screening in the use of planter boxes.The issue of subsidence is a private matter between the parties to which it concerns and therefore is not a material planning consideration.Light pollution from the rear extension rooflight is not uncommon in residential areas and is considered not to have a significant impact on neighbouring amenity.Noise and disturbance associated with use of the terrace is expect to be of a similar nature to that that could occur from the use of the existing garden area at the host property.In terms of privacy loss from the terrace use, neighbours are screened either side of the terrace which would reduce the potential for overlooking.In relation to setting a precedent for other roof terraces – each planning application is assessed on its own merit.					

**CAAC/Local groups*
comments:**
*Please Specify

Dartmouth Park CAAC – No Comment

Dartmouth Park Neighbourhood Forum - No Comment

Trees and Landscaping Officer – No Comment

Site Description

The site is a semi-detached building on the corner of Bramshill Gardens and Dartmouth Park Avenue. It is a two storey dwellinghouse in gault brick with brick quoins, and a hipped roof, and a tall stained glass window which highlights the side elevation.

It lies within sub-area 3 of the Dartmouth Park Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

Relevant History

Host Property:

2012/5361/P - *Erection of single storey rear extension with terrace above to residential dwelling house (Class C3).* – Approved: 04/12/2012

Nearby Properties:

35 Dartmouth Park Avenue

2012/4510/P Erection of single storey glazed rear extension at garden level to the rear, removal of concrete stairway to rear garden and installation of 3 x windows on the rear elevation at garden level, all associated with use as residential dwelling (Class C3). Granted 06/11/2012

33 Dartmouth Park Avenue

2022/1874/P - Erection of single storey side extension. Granted 04/10/2022

Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage

Dartmouth Park Neighbourhood Plan (2020)

- DC2 Heritage assets
- DC3 Requirement for good design
- DC4 Small residential extensions
- ES3 Biodiversity

Camden Planning Guidance (2021)

- CPG Amenity (2021)

- CPG Design (2021)

Dartmouth Park Conservation Area Character Appraisal & Management Plan (2009)

Draft Camden Local Plan

The Council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications which has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1.0 Proposal

The application seeks permission for the erection of a single-storey rear extension with roof terrace above and staircase to garden, replacement timber-framed double-glazed windows of similar appearance to front and side elevations, insertion of two new windows to the side elevation at both ground floor and lower ground floor level, and alterations to the rear fenestration to include; replacement of rear door with sliding doors, replacement of window at ground floor with insertion of Juliet balcony and the alteration to windows on 1st floor.

1.1 Key planning issues are as follows:

- Design & Heritage
- Neighbouring Amenity

1.2 The design has been revised to incorporate a green roof.

1.3 Planning permission was previously granted for a similar rear extension with roof terrace scheme in 2012 – (planning ref. 2012/5361/P). That permission also featured similar alterations to windows on the side, rear and front elevations, although the decision to grant was guided by the previous superseded set of policies.

2.0 Design & Heritage

2.0.1 Local Plan policy D1 as well as the Neighbourhood plans policy DC3 seeks to achieve high quality design in residential developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 of the Local plan and DC2 of the Neighbourhood Plan both seek to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.0.2 The proposed alterations to the front elevation to replace the ground and 1st floor crittal windows for timber would be in terms of the finishing material only – the layout of the windows and their detailed design excluding materiality would remain unchanged. The Conservation Area appraisal mentions the front elevation windows as positive contributors although its reference is in regards to the 6 over 1 design rather than use of crittal. The crittal material is not a component of the positive contribution and in fact is not original but part of extensive renovations carried out in the 1930s. Therefore, despite this material change being publicly visible within the conservation area, the adoption of timber windows would more closely match what was there originally and thus would not create visual harm to the conservation area or building but instead would be an enhancement. This rationale would also apply to the replacement of crittal windows on the side elevation at ground and 1st floor level.

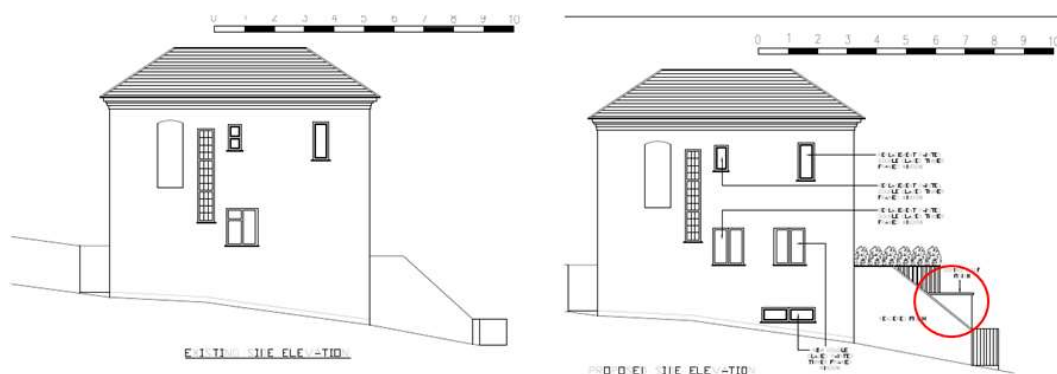
2.0.3 Alterations proposed include the insertion of new timber framed windows to the side elevation at ground and lower ground level. Given the less publicly visible location towards the bottom righthand corner of this side elevation the windows would be discreet, not easily viewable from the street and therefore visibly negligible in relation to the conservation area therefore creating

no visual harm.

- 2.0.4 The four crital casement windows on the rear elevation would be replaced by timber windows with a simplified single pane design which replaces the more characteristic 6 over 1 window pattern. However, the rear elevation is not publicly visible and can't be clearly be seen in conjunction with the wider context of the conservation area and as such it is considered it would create no substantive harm to the wider character of this heritage setting.
- 2.0.5 Alterations to change the rear elevation fenestration include the replacement of all windows into sliding doors, including one set with a timber-framed Juliet balcony. These alterations are acceptable in terms of design due to them replacing non historic features and also because they would not be visible from the public areas of the conservation area.
- 2.0.6 The single storey extension proposed to the rear at lower ground floor level will form a roof terrace and green roof. The extension would be rendered to match the appearance of the host building. The extension would have a terrace on top accessed by the proposed sliding doors. A staircase to the northern side of the extension would lead down from the terrace to the garden. The terrace would have metal railings to the front, with solid balustrading to the sides which will feature planting boxes on both side of the terrace to provide a softer form of screening to reduce the potential for overlooking.
- 2.0.7 The addition of a green roof is considered to complement the verdant characteristics of the area and would offset the partial reduction of garden space, responding to policies relating to biodiversity. The green roof would improve the visual impact of the rear extension in outlook from the upper floor windows of neighbouring properties. The green roof is also considered to be in accordance with policies A3 and ES3.
- 2.0.8 Although the house is two storeys when viewed from the front, due to the topography of the site the lower ground floor is at garden level and the house is three storeys when viewed from the rear. As the single storey extension would be set in from the northern side and 4m deep it is considered to be subordinate to the host building. The garden, excluding the garages to the rear and their access route, is 22.5m deep and 8.5m wide, so the proposed extension would still allow for the retention of a reasonably sized garden. As such, the proposed extension is not considered to harm the character or appearance of the host building or conservation area and would comply with policies D1, D2, DC2 and DC3.
- 2.0.9 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 2.0.10 As previously mentioned in 1.4 there was a past consent granted for a similar application (2012/5361/P) for a rear extension with roof terrace, which also featured many other similar alterations to this proposal including windows on the side, rear and front elevations. The previous permission was granted in respect of a superseded set of planning policies. However, the previous considerations to design and heritage remain relatively consistent with current policy and therefore given the wider setting and building remain unchanged since the prior decision, the judgment and decision making is required to be consistent with the previous decision – there are no material reasons to deviate from the previous decision for approval in these circumstances.
- 2.0.11 The detailed design proposed is considered acceptable and suitable for a rear extension and roof terrace. Overall, the proposal including alterations to the all elevations are not considered harmful to the character or appearance of the host building, or to the setting of the street of which it is part or the wider Dartmouth Park Conservation Area, in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DC2 and DC3 of Dartmouth Park Neighbourhood plan 2020.

2.1 Neighbouring Amenity

- 2.1.1 The application site is attached to no. 35 Dartmouth Park Avenue and is 5.5m to the south of no. 38 Bramshill Gardens.
- 2.1.2 In regards to overlooking it is proposed to erect privacy screens in the form of planter boxes on the sides of the terrace to prevent overlooking of the adjoining properties. The location of the proposed rooflight to the southern end of the terrace would prevent users of the terrace coming too close to the neighbouring boundary of No. 35.
- 2.1.3 No. 38 Bramshill Gardens is set back from the building line of the application site, but has windows to its flank elevation. The proposed screening would prevent overlooking from the terrace to any habitable rooms. There would be some overlooking from the proposed rear staircase towards neighbouring gardens, but as there is an existing staircase in this location it is considered that this would not cause a greater loss of privacy to neighbours than already exists.
- 2.1.4 In terms of overshadowing the proposed extension would be sited north of no. 35 Dartmouth Park Avenue so would not significantly affect sunlight to this property. The closest lower ground floor windows are at approximately the same height as the parapet of the proposed extension, whilst the closest window is to a bathroom which is not a habitable room. The next closest window at lower ground floor level is approximately 3m away and the proposed extension would not obtrude an angle of 45° from the centre of this window in elevation or plan, and therefore would not have a significant impact on daylight in line with the British Research Establishment (BRE) guidelines for calculating the impact on sunlight and daylight of extensions perpendicular to a site.
- 2.1.5 The flank wall of no. 38 Bramshill Gardens has windows to habitable rooms directly facing the flank wall of the application site. Part of the proposed extension's roof would rise above the existing staircase wall, however it would not create any substantial addition to the overshadowing created by the staircase wall. This is due to the limited massing the roof corner would create as well as its separation of more than from the neighbouring no. 38 Bramshill Gardens.



- 2.1.6 The host property is a single dwelling house and the use of the proposed terrace would not create more noise than could otherwise be expected from the use of the existing garden. The rooflight is next to the boundary with no. 35 Dartmouth Park Avenue which would ensure activities at terrace level occur on the other side of the property, away from that adjoining property. The windows on the rear elevation of No. 35 do not directly face the rooflight and therefore would not be significantly affected by any potential light pollution. The rooflight would be 10m away from no. 38 Bramshill Gardens and as such is not considered to have any impact on the residents of both the ground floor and 1st floor flat.

2.1.7 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policy A1 of the Camden local plan.

3.0 Recommendation

3.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 31st March 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: 2024/1312/P
Contact: Adam Afford
Tel: 020 7974 7057
Email: Adam.Afford@camden.gov.uk
Date: 14 March 2025

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Natalie Leiwy Architects
27 Hillcrest Avenue
Edgware
Middlesex
HA8 8NZ
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
40 Bramshill Gardens
London
Camden
NW5 1JH

DECISION

Proposal:

Erection of single-storey rear extension with roof terrace above and staircase to garden. Replacement timber-framed double-glazed windows of similar appearance to front and side elevations. Insertion of two new windows to the side elevation at both ground floor and lower ground floor level. Alterations to the rear fenestration include; Replacement of rear door with sliding doors, replacement of window at ground floor with insertion of Juliet balcony and the alteration to windows on 1st floor.

Drawing Nos: Site Location Plan, Existing Plans 23-1220-02, Existing Elevations 23-1220-03, Amended Proposed Elevations 23-1220-07 E, Amended Proposed plans 23-1220-05 C, Amended Proposed Plans 23-1220-06 C, Design and Access Statement Dated 15/11/2024

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-

Site Location Plan, Existing Plans 23-1220-02, Existing Elevations 23-1220-03, Amended Proposed Elevations 23-1220-07 E, Amended Proposed plans 23-1220-05 C, Amended Proposed Plans 23-1220-06 C, Design and Access Statement Dated 15/11/2024

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.

- 4 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
 - i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used [for large areas of green roof add in : and showing a variation of substrate depth with peaks and troughs]
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, CC4(major apps only), D1, D2(if CA or LB) and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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.

- 3 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.

- 4 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).

5 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

Chief Planning Officer

DECISION