

Application ref: 2024/4654/P  
Contact: Adam Afford  
Tel: 020 7974 7057  
Email: Adam.Afford@camden.gov.uk  
Date: 7 April 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](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Mr Nicholas Lawson  
First Floor Flat  
22 Lupton Street  
London  
NW5 2HT

Dear Sir/Madam,

## **DECISION**

Town and Country Planning Act 1990 (as amended)  
**Full Planning Permission Granted**

Address:  
**Flat 1st Floor**  
**22 Lupton Street**  
**London**  
**NW5 2HT**

Proposal: Retrospective application for the installation of timber decking, planting boxes and growing frame to existing terrace.

Drawing Nos: Site Location Plan PP-13484921v1, Existing/Proposed Side Elevation 09/01/2025, Existing/Proposed Rear Elevation 09/01/2025, Existing/Proposed Plan 09/01/2025, Terrace Screen Elevation Scale 1:15

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 carried out in accordance with the following approved plans -

Site Location Plan PP-13484921v1, Existing/Proposed Side Elevation 09/01/2025, Existing/Proposed Rear Elevation 09/01/2025, Existing/Proposed Plan 09/01/2025, Terrace Screen Elevation Scale 1:15

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

Informative(s):

## 1 Reasons for granting permission.

The proposal relates to an existing terrace with established use, and seeks retrospective permission to retain the installation of timber decking and planting boxes with a growing frame.

The application site consists of a four storey end of row terrace. The building is subdivided into three flats over four floors. The flat in consideration relates to the 1st floor with a terrace to the rear of the flat facing onto the rear gardens which belong to the terrace housing of Brecknock Road and Raveley Street.

The site is within the jurisdiction of Kentish Town Neighbourhood Forum. The site is not within a Conservation Area.

There have been objections from two neighbours during statutory consultation, the content of objection relates to non-material planning matters such as safety of construction and damage to other properties. Concern is also raised over the design of the retrospective works and their amenity impact - these are addressed below.

The use as a terrace is not a planning consideration as the use is already established. The use of the terrace was granted permission in a previous application in 1987 and the approved floor plans clearly show the use of the roof as a terrace with permission granted for access out onto the terrace via a new door. The historic permission which features the terrace, relates to a wider permission to subdivide the then dwelling into three separate flats - this permission was enacted at latest by 01.04.93 - the building at present is separated into three flats. There is historic satellite photographic evidence the terrace has been in use over ten years. The photos show the usage of tables and chairs on the terrace backdating to 2014 and therefore would be exempt from enforcement action. According to Environmental Health logs during the period of 2014-present and prior to 2014, there are no records of complaints associated with the use of the terrace.

For clarity, the planters and decking do not therefore facilitate the use of the terrace. With the use of the terrace pre-established, it is only the planter boxes with growing frame and decking for consideration.

The decking is unseen from any public vantage and has no visual impact. The planter boxes are seen to be very minor in their scale and visual impact and therefore have no detrimental impact to the building or setting.

The proposals would not adversely affect the amenity of adjoining or nearby residential occupiers in terms of light, outlook, or privacy.

The planning history of the site has been considered in this decision.

One letter of support was received which made reference to the historic and continued use of the terrace.

The proposal complies with Policies A1 and D1 of the Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2025 and the

policies of 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 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.

- 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-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 written over a light blue rectangular background.

Daniel Pope  
Chief Planning Officer