

Application ref: 2020/5068/P
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Date: 12 January 2021

Development Management
Regeneration and Planning
London Borough of Camden
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Planning Consultant
69 Wentworth Avenue
Finchley
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
85 Jamestown Road
London
NW1 7DB

Proposal:

Creation of roof terrace at roof level with associated access door, balustrades and privacy screen

Drawing Nos: 348-100-E, 348-113-P, 348-114-P, 348-115-B_Rev.A, 348-116-B_Rev.A, 348-207-P, 348-210-P_Rev.A, 348-302-P_Rev.A, 348-303-E_Rev.A & 348-303-P_Rev.A.

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 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 348-100-E, 348-113-P, 348-114-P, 348-115-B_Rev.A, 348-116-B_Rev.A, 348-207-P, 348-210-P_Rev.A, 348-302-P_Rev.A, 348-303-E_Rev.A & 348-303-P_Rev.A.

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

- 4 The use of the roof as a terrace shall not commence until the privacy screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

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

Informative(s):

- 1 Reasons for granting permission.

The application site has a long planning and enforcement history. The Council refused planning permission on 28/09/2018 ref: 2018/1486/P to form the double doors leading to a roof space as well as the installation of the railings on the roof and other minor works, on the basis of design and use of the roof as a terrace resulting in overlooking. The application was allowed on appeal on 29/05/2019 (ref: APP/X5210/W/19/3224577). In determining the application the Inspector considered that the railings and access door to the flat roof were not particularly prominent and he did not consider them to detract from the area. He found that no harm would be caused to the setting of nearby conservation areas or heritage assets. The Inspector placed a condition on the roof space restricting its use as a terrace on the basis of overlooking.

This application proposes the eastern half of the flat roof to be used as a roof terrace with balustrades. The provision of a privacy screen on the southern elevation and the set back of approximately 2.5m from the eastern edge of the roof is proposed to prevent overlooking.

Given the previous alterations and balustrade allowed at appeal, the additional balustrading across the roof would have a neutral impact on the property and area. Whilst the modern glazed privacy screen is a somewhat alien addition to the property, it would not be visible in views into or out of the adjoining conservation areas, nor would it be appreciable in any views of the Grade II listed Gilbey House. The concealed position, combined with the alterations allowed at appeal, mean the alteration would, on balance, have a neutral impact on the character and appearance of the property and surrounding area.

The proposal is considered to preserve the character and appearance of the conservation area. 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 scale and position of the screening, it would not result in undue harm to the daylight, sunlight or outlook of neighbouring properties. The privacy screen would serve to obscure views southwards towards the rear of properties on Oval Road. The set back from the eastern edge of the roof would similarly obscure views to the south-east and east. On this basis, the proposal is considered not to result in undue harm in terms of overlooking. Given the scale of the terrace and residential nature of the property, this is unlikely to result in large gatherings of people or unduly harmful levels of noise.

One objection was received following public consultation on the scheme. This and the planning and appeal history of the site and surrounding area has been considered when determining this application.

As such, the proposed development is in general accordance with policies D1, D2 and A1 of the London Borough of Camden Local Plan 2017, the London Plan 2016, Intend to Publish London Plan 2019, and the National Planning Policy Framework 2019.

- 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 London Borough of Camden 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 at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer