

Application ref: 2022/0447/P  
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Date: 28 May 2022

**Development Management**  
Regeneration and Planning  
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Town Hall  
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4orm  
1-5 Offord Street  
London  
N1 1DH

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**13 Kylemore Road**  
**London**  
**NW6 2PS**

Proposal:  
Installation of glazed balustrade to surround rear flat roof area for use as a terrace and associated replacement of window with access door.

Drawing Nos: (4158-)X.01, X.02, L.02\_A; Supporting Statement from 4orm (Rev A) dated 12/05/2022.

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: (4158-)X.01, X.02, L.02\_A; Supporting Statement

from 4orm (Rev A) dated 12/05/2022.

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 of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 The use of the roof as a terrace shall not commence until all parts of the balustrade hereby approved, and as shown on the approved drawings, have been constructed in their entirety. The terrace and balustrading shall be restricted only to the area shown on the approved drawings and shall be retained for as long as the roof terrace remains in use.

Reason: In order to prevent unreasonable and intrusive overlooking of neighbouring premises and loss of privacy associated with the terrace use, in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting planning permission:

While the Council would not normally support the introduction of high level roof terraces of the size proposed and the associated use of glass balustrading, several rear roof terraces of similar size and with comparable glazed balustrades are noted as being in situ and widely visible on neighbouring properties. As such, the proposal would not be alien or appear out of keeping in this context, but rather, would appear as a contemporary change that would integrate reasonably well into the established character of the rear fabric of the building and wider locality.

The additional height to the closet wing as a result of the balustrade would not appear visually imposing or significantly overbearing given the use of glass material and resultant appearance as a relatively lightweight structure. 1.7m high translucent or opaque glazed screens would be installed on each side of the terrace and a 1.3m high clear glass screen would be installed towards the rear, set-back 0.5m from the roof edge.

On Council advice the screens on both sides were increased from 1.3m to 1.7m high as the opaque quality of taller glass balustrades would help in safeguarding the amenity for both neighbouring properties, as well as, for future terrace users. A new door would replace a window of similar size to provide access to the roof space.

It is noted that the size of the proposed terrace and details in regard to the

glazed balustrading would compare favourably with some others locally, including at no.7 Kylemore Road (2012/6016/P) in particular which was approved in 2013 and also no.32 Kylemore Road (2018/2514/P) allowed on appeal in 2019.

Overall, therefore, the revised proposal is considered to be acceptable in terms of its design, size, material and location, and would be in keeping with and preserve the character and appearance of the host building and rear locality, as well as, the wider Fortune Green and West Hampstead Neighbourhood Area.

In amenity terms, the existing levels of light to neighbouring windows would not be significantly impacted by the proposal and there would be no undue impact upon living conditions at these properties in regard to overlooking or loss of privacy.

The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

As such, the proposal is in general accordance with policies A1 and D1 of the Camden Local Plan 2017, policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015, the London Plan 2021 and the National Planning Policy Framework 2021.

- 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.

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 2021.

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.

Daniel Pope  
Chief Planning Officer