

Application ref: 2022/1423/P  
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Date: 25 October 2022

**Development Management**  
Regeneration and Planning  
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United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:

**38 St Alban's Road**  
**London**  
**NW5 1RD**

Proposal:

Erection of single storey rear ground floor extension.

Drawing Nos: 2106 - 01; 2106 - 02A; 2106 - 03A; 2106 - 06A; 2106 - 04B; 2106 - 05C;  
Planning Statement prepared by Gordon Curtis Architects dated April 2022 (2016 / 10 'B').

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

2106 - 01; 2106 - 02A; 2106 - 03A; 2106 - 06A; 2106 - 04B; 2106 - 05C; 3  
2106 - 01; 2106 - 02A; 2106 - 03A; 2106 - 06A; 2106 - 04B; 2106 - 05C;  
Planning Statement prepared by Gordon Curtis Architects dated April 2022  
(2016 / 10 'B').

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 and policies DC1, DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

- 4 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size as shown on the approved plans: 2106 - 03A; 2106 - 04B and shall thereafter be retained.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2 and A3, D1 and D2 of the London Borough of Camden Local Plan 2017 and policy ES2 of the Dartmouth Park Neighbourhood Plan 2020.

- 5 The flat roof of the ground floor rear extension shall not be used as a roof terrace, sitting out area or other amenity space.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 and D2 of the Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission.

The proposed single storey rear extension is subordinate in scale and siting to the host building, and respects the character and setting of the group of neighbouring buildings it forms a part of. The design is modern, with a flat roof and a rooflight, and finished in red brick to match the existing materials, which is appropriate for the conservation area. A small single storey rear outrigger would be demolished to accommodate the full width extension. It would extend 2.5m from the rear and would be 3m in height, which is modest in scale and sufficient garden space would be retained. The aluminium framed rear sliding doors and grey painted rooflight would not harm the character and appearance of the host building or neighbouring buildings.

Although the extension would project 1.4m above the boundary fence with the neighbouring property at no.36A, it would be set in from the boundary fence and would extend beyond the rear by 1.7m, which is acceptable. It would be

built up against the boundary with no.38A and would not extend beyond the neighbour's rear extension. Due to the proposed extension's modest scale and siting, it would not harm the amenity of any adjoining residential occupiers in terms of the loss of natural light, outlook, privacy, overbearing or added sense of enclosure. The roof light is appropriate in size and siting, and would not result in light spill impact.

A small tree is proposed to be re-positioned in the rear garden. It is not a significant tree in the Conservation Area and its removal (and replacement) would not harm the appearance of the site or the biodiversity or amenity value of the site. The tree is shown as being re-positioned on the proposed ground floor plan : 2106 - 04 B. A condition would be attached to secure the planting of the new tree in accordance with the details provided

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.

One objection has been received prior to making this decision on the basis of harmful neighbouring impact on no.36A, and request for a construction management plan. Officers have assessed the impact on neighbouring amenity to no.36, and consider the impacts as minimal and would not constitute a reason for refusal. In terms of construction vehicles, it is considered that the development could be undertaken without causing undue nuisance or disturbance or loss of safety in the area. However, environmental health legislation would be appropriate if, in the event of significant public nuisance if there was any damage to private property. A condition would be attached to ensure that the roof of the single storey extension is not used as a roof terrace as this would result in additional harmful overlooking of the neighbouring properties gardens.

The Dartmouth Park CAAC originally objected to the application due to the loss of the existing windows. This element of the scheme has been omitted from the proposal and the CAAC have withdrawn their objection.

The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and DC1, DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020. The proposed development also accords with 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:

<https://www.gov.uk/appeal-householder-planning-decision>.

Yours faithfully



Daniel Pope  
Chief Planning Officer