

Application ref: 2022/1232/P
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:
387 Kentish Town Road
London
Camden
NW5 2TJ

Proposal:

Variation of condition 3 (approved drawings) of planning permission 2019/3538/P, granted subject to a legal agreement on 21/02/2020 which was for 'Erection of mansard roof extension and alterations as originally approved under planning permission 2018/0204/P plus erection of a ground, first and second floor rear extension, all to provide 1 no. two bed flat, 1, no one bed flat and 1 no. two bed duplex flat and retention of retail unit (A1) at ground floor', namely to alter the design of the roof extension.

Drawing Nos: (Prefix: KT_PL_) 400, 202, 203, 204, 206, 207, 209 rev A, 211 rev B, 401, 402

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 retained in accordance with the following approved drawings and documents:

(Prefix: KT_PL_) 400, 202, 203, 204, 206, 207, 209 rev A, 211 rev B, 401, 402. Supporting: Planning statement prepared by PDPlanning UK Ltd and Air Quality Assessment rev B dated 02 July 2018.

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

- 2 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 3 The development shall permanently be maintained in accordance with the details of the mechanical ventilation system, including air inlet locations and sealed windows, approved under 2020/1696/P on 08/07/2020.

Reason: To protect the amenity of residents in accordance with the requirements of policy CC4 of the London Borough of Camden Local Plan 2017 and policy 7.14 of the London Plan 2016

- 4 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected along the South Western side return of the upper floor rear roof terraces hereby approved prior to first use of the roof terraces. The development shall thereafter be completed in line with the details approved and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting planning permission:

On 21/02/2020 planning permission 2019/3538/P was granted (subject to a legal agreement) for the 'Erection of a mansard roof extension and alterations as originally approved under planning permission 2018/0204/P plus erection of a ground, first and second floor rear extension, all to provide 1 no. two bed flat, 1, no one bed flat and 1 no. two bed duplex flat and retention of retail unit (A1) at ground floor'.

The approved roof plan and sectional drawing indicated a steeply sloping mansard roof set back 750mm from the front wall of the building and 600mm from the rear parapet wall of the building.

The current application seeks retrospective planning permission for an

alternative design of the roof extension. At the front the roof extension abuts the front parapet wall, with a low pitch above. At the rear the roof extension is flush with the rear wall of the original building on the 2nd floor and the roof extension which has been undertaken at the attached property, 385 Kentish Town Road. The (maximum) height of the roof extension is the same as previously approved. The materials are as previously approved.

The application property is not listed and it is not within a Conservation Area.

As noted above, under the original planning permission (2018/0204/P, amended by 2019/3538/P) the mansard roof was shown set back behind the front parapet wall and the rear elevation, retaining the rear butterfly roofline.

The proposed building forms part of a short terrace which has been altered at roof level over time.

The Council's Home Improvements CPG (2021) advises a successful roof extension would consider the overall roof form of the existing building, adjoining buildings and impact in key views (when relevant) and be proportionate to the roof slope being extended. It states 'The previous guidance presented a hard line approach of restricting development at roof level on any unbroken roofline. Under this guidance, a more flexible approach is proposed, to give more weight to existing older extensions and to those allowed under permitted development, in the immediate context of the building being proposed for extension, within and outside Conservation Areas. Not every unbroken roofline is of heritage value and therefore it is not worthy of preservation'.

At the front the now proposed roof is of limited visibility in the streetscene and it is also in keeping with the roof extension which has been undertaken at the attached property, 385 Kentish Town Road.

Taking on board the appearance of the roofline at the front and back, in the context of the much altered terrace of which it forms, it is considered that the application proposal does not harm the appearance of the townscape of the context or character of the area.

Furthermore, it would not overshadow or be unduly overbearing upon any neighbouring rooms or gardens.

- 2 One objection was received (from a former representative of a neighbouring Conservation Area Advisory Committee). The letter raises concern that the development mirrors the roof extension at the attached property, 385 Kentish Town Road which is allegedly the subject of planning enforcement action. This is not the case. The enforcement case was closed as it was not considered expedient to take enforcement action.

The letter refers to the gutter and downpipe at the front of the building. But these are not considered to be significantly visually intrusive features on the building and they are not significantly harmful to the character or appearance of

the area.

The objection refers to the setting and appearance of the neighbouring Listed building (389 Kentish Town Road). However, the proposal is separated from this site by a passageway and its siting, design and appearance at the site and on the terrace is not considered to harm the setting or appearance of the Listed building. The materials which have been used are not 100% matching, primarily because they are new and the existing materials are old. Nevertheless the finished appearance is not considered to detract unduly from the appearance of the streetscene and the difference in the shade of the bricks is not considered sufficient to warrant a refusal of planning permission on design or heritage grounds.

No objections were received from any neighbouring occupiers or the Neighbourhood Forum. The site's planning history and the neighbouring sites were taken into account when determining this application.

Special regard has been attached to the desirability of preserving the setting of the listed building at no. 389, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with Policies A1, D1 and D2 of the Camden Local Plan 2017, Policy D3 of the Kentish Town Neighbourhood Plan and the proposed development also accords with the London Plan 2021; and the provisions of the National Planning Policy Framework 2021.

(Note: Planning permissions 2018/0204/P and 2019/3538/P were granted subject to legal agreements in respect of car free development (i.e. residents prevented from obtaining car parking permits). As this application is for a variation of those permissions and planning permission is to be granted for that development a 'Deed of Variation' to the legal agreement should be secured so that it runs with this permission.

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-planning-decision>.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned in the upper left corner of the page.

Daniel Pope
Chief Planning Officer