

Application ref: 2022/4255/P
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Date: 1 June 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Curtaz Studio
13 Kirkstall Avenue
London
N17 6PH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**36 Garden Flat
Eton Avenue
London
NW3 3HL**

Proposal:

Replacement of an existing lower ground floor rear extension structure and enlargement of the existing rear sunken patio

Drawing Nos: Location Plan; Site Plan; Existing Ground Floor Plan, A.100; Existing Lower Ground Floor Plan, A.101, rev A; Existing Section A-A / Side Elevation, A.110, rev A; Existing Rear Elevation, A.111; Proposed Lower Ground Floor Plan, A.201. Rev A; Proposed Section A-A / Side Elevation, A.210, rev A; Design and Access Statement & Heritage Statement, September 2022; Basement Impact Assessment Screening and Scoping prepared by Ashton Bennett; Annexe to Basement Impact Assessment prepared by Ashton Bennett

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 Location Plan; Site Plan; Existing Ground Floor Plan, A.100; Existing Lower Ground Floor Plan, A.101, rev A; Existing Section A-A / Side Elevation, A.110, rev A; Existing Rear Elevation, A.111; Proposed Lower Ground Floor Plan, A.201. Rev A; Proposed Section A-A / Side Elevation, A.210, rev A; Design and Access Statement & Heritage Statement, September 2022; Basement Impact Assessment Screening and Scoping prepared by Ashton Bennett; Annexe to Basement Impact Assessment prepared by Ashton Bennett

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.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposal involves the removal of the existing lower ground floor glazed extension and replacement with a new extension in a slightly larger footprint than existing, and enlargement of the existing sunken patio adjacent to the extension.

The proposed replacement extension would follow the centralised symmetry of the original primary rear window bay (to be retained), which is considered an

improvement to the existing extension with an unsympathetically arranged asymmetrical glazing line that does not correspond with the form of the rear elevation. The replacement extension would also allow for more open space either side of the extension, revealing the adjacent secondary window bay with the existing extension currently covers over, re-establishing visual order in the elevation and improving amenity to the existing ground floor master bedroom where its associated window was previously internalised.

The increased footprint of the replacement extension is very modest compared to the existing situation. Adequate garden space would be retained.

Special regard has been attached to the desirability of preserving or enhancing 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.

A Basement Impact Assessment assessing the excavation for the extended sunken patio, concludes; the development is unlikely to impact on adjacent properties if mitigating measures and appropriate temporary and permanent design are undertaken, and the development is unlikely to impact on groundwater, surface water or flooding, unlikely to impact on drainage or ground infiltration of rainwater. As such the proposals comply with policy A5 of the Local Plan

The proposal, due to its similar footprint and height as the existing extension, would not cause any adverse impacts on the amenity of adjoining residential occupiers in terms of loss of light, outlook or privacy.

Belsize Park CAAC raised an objection to the original proposal, however the CAAC withdrew their objection following circulation of the revised plans detailing the revised design for the internal bay structure. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with Policies A1, A5, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021 and 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) 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>.

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



Daniel Pope
Chief Planning Officer