

28 June 2023

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

Dear Sir / Madam,

**69 Avenue Road, London, NW8 6HP - Non-Material Amendment to Permission 2020/2330/P**

On behalf of our client, Ms Huirong Han, we are pleased to enclose an application that seeks a non-material amendment for alterations to planning permission 2020/2330/P under Section 96a of the Town and Country Planning Act 1990.

In addition to this covering letter, the submission comprises the following documents:

- Application form signed and dated;
- Relevant approved drawings, including:
  - Proposed Site Plan (ref. 18030-P009);
  - Proposed Basement Plan (ref. 18030-P090);
  - Proposed Ground Flood Plan (ref. 18030-P100-A);
  - Proposed First Floor Plan (ref. 18030-P110);
  - Proposed Second Floor Plan (ref. 18030-P120);
  - Proposed Roof Plan (ref. 18030-P130);
  - Proposed Front Elevation (ref. 18030-P300);
  - Proposed Rear Elevation (ref. 18030-P301);
  - Proposed Side Elevation (ref. 18030-P302); and
  - Proposed Side Elevation (ref. 18030-P303).
- Relevant proposed drawings, including:
  - Proposed Site Plan (ref. 18030-P009-A);
  - Proposed Basement Plan (ref. 18030-P090-A);
  - Proposed Ground Flood Plan (ref. 18030-P100-B);
  - Proposed First Floor Plan (ref. 18030-P110-A);

- Proposed Second Floor Plan (ref. 18030-P120-A);
- Proposed Roof Plan (ref. 18030-P130-A);
- Proposed Front Elevation (ref. 18030-P300-A);
- Proposed Rear Elevation (ref. 18030-P301-A);
- Proposed Side Elevation (ref. 18030-P302-A);
- Proposed Side Elevation (ref. 18030-P303-A);
- Non-Material Amendment Summary Document, prepared by KSR Architects; and
- Structural Technical Note, prepared by MBP.

The planning application fee has been paid directly via the Planning Portal to the London Borough of Camden.

## Background

On 15 September 2021, full planning permission was granted for the following works:

*“Demolition of existing side extension and erection of a single storey side and rear extension; erection of a two-storey rear extension with roof extension and 3x replacement rear dormer windows; excavation of a basement and small lightwell and associated works”.*

LPA ref. 2020/2330/P

## Procedural Context

Section 96a of the Town and Country Planning Act states that:

- 1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.
- 2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- 3) The power conferred by subsection 1) includes power—
  - a) To impose new conditions;
  - b) To remove or alter existing conditions.

The National Planning Policy Guidance confirms that there is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme.

As such, it is clear that there is no standard definition as to what comprises a non-material amendment. It must be considered on an individual case-by-case basis at the discretion of the local planning authority.

## Proposed Amendments

The proposed amendments to the consented scheme are presented within the supporting documents and drawings prepared by KSR Architects. This includes the following:

- 1) Rationalisation of internal layouts;
- 2) Rationalisation of the basement layout, which will lead to an overall reduction of basement space and therefore the amount of excavation required;
- 3) A new lift overrun;
- 4) New rooflights to the rear terrace;
- 5) New rooflights to the flat roofs; and
- 6) Omission of a small window from the side elevation.

The proposed amendments require the following drawings to be replaced:

Drawing Title	Approved Drawing Reference	Proposed Replacement Drawing Reference
Proposed Site Plan	18030-P009	18030-P009-A
Proposed Basement Plan	18030-P090	18030-P090-A
Proposed Ground Flood Plan	18030-P100-A	18030-P100-B
Proposed First Floor Plan	18030-P110	18030-P110-A
Proposed Second Floor Plan	18030-P120	18030-P120-A
Proposed Roof Plan	18030-P130	18030-P130-A
Proposed Front Elevation	18030-P300	18030-P300-A
Proposed Rear Elevation	18030-P301	18030-P301-A
Proposed Side Elevation	18030-P302	18030-P302-A
Proposed Side Elevation	18030-P303	18030-P303-A

## Assessment

The principle of the development has already been established by virtue of the approved scheme.

This application proposes minor adjustments, as set out above, which do not increase the bulk or footprint of the approved scheme - indeed, the application seeks a reduced basement, which will reduce the total amount of development.



In respect of this reduced basement, a supporting technical note has been prepared by structural engineers, MBP, who have assessed the proposed amendment and concluded that the Basement Impact Assessment (BIA) associated with the original planning consent remains valid.

As concluded in the BIA (that was subject to the usual audit and approval process by Campbell Reith on behalf of LB Camden), no concerns have been identified regarding the effects of the proposed basement on the site and surrounding area.

Indeed, the benefit of this amendment is that the structural arrangement is simplified, which in turn simplifies the construction methodology and enables the piling phase of the basement construction to be reduced.

The remaining amendments constitute minor alterations, which are necessary to rationalise the internal space and to improve the quality of living space.

With consideration to the procedural context, the proposed amendments are not material in nature and would not 'tip the balance' in the decision-making process. It is, therefore, appropriate for officers to consider the amendments under Section 96a of the 1990 Act.

### **Conclusions**

We look forward to receiving confirmation in writing that the application has been validated and that the proposed non-material amendments are considered acceptable.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully

Ross Williamson

**Principal Planner**