

Application ref: 2022/1408/P
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Date: 28 July 2023

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SHH Architects
1 Vencourt Place
Ravenscourt Park
W6 9NU

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:
81 Swain's Lane
London
N6 6PJ

Proposal:

Variation of condition 2 (approved plans) of planning permission 2018/5730/P, dated 28/05/2020 (as amended by 2021/4652/P, dated 23/09/2022) (for various works including a replacement rear extension), namely to include the installation of a glass infill roof within the granted lightwell to create a covered courtyard

Drawing Nos: Revised plans: (828)003_PL04; (828)020_PL03; (828)021-PL02, (828)023_PL02; (828)301_PL02; (828)302_PL02.
Superseded: (828)003_PL03; (828)020_PL02.

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 the original permission, reference 2018/5730/P, dated 28/05/2020.

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: Design & Access Statement, dated 23.09.21; Cover letter, dated 21/09/2021; Planning Statement dated November 2018 by hgh; Heritage Statements dated October 2018 by Dorian Crone; Archaeological Assessment dated 9.10.18 by AB Heritage; Basement Impact Assessment Rev A dated March 2019 by Alan Baxter Partnership; letter dated 4.6.19 from Alan Baxter; tracker responses to BIA audit dated 4.6.19; 1173/12/201A, 202A, 211A, SK1000; 1173/12/1, 2, 3 (calculation sheets by Alan Baxter); Energy and Sustainability Assessment dated July 2018 by ME7; Preliminary Ecological Survey and Arboricultural Appraisal dated May 2018 by Aborweald Environmental Planning Consultancy; Draft Construction Management Plan dated June 2018; Acoustic Assessment dated 7.8.18 by Acoustics Plus; Flood Risk Assessment dated February 2018 by RPS Group; (all suffix -PL01 unless otherwise stated) (828) 001, 002-PL04, 003-PL04, 004-PL02, 010, 011, 012, 020_PL03, 021-PL02, 022, 023_PL02, 024, 025, 026, 201-PL03, 202, 203-PL07, 204, 301_PL02, 302_PL02, 303, 304, 306, 501, 502, 503, 504, 505, 506-PL02, 507, 508, 509, 510, 511, 512, 513, 514-PL02, 515, 516, 517, 518, 519-PL02, 520, 521-PL02; landscape plan- 106509 'Initial ideas rev H';

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) New glazed canopy, external staircase and associated railings of cutting enclosure;
- b) new rear extension to house;
- c) new boundary walls and gates

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 The hard and soft landscaping and means of enclosure of all un-built, open

areas shall accord with the details approved under application reference 2022/0616/P, dated 19/04/2022, or other such details which have been submitted to and approved in writing by the local planning authority.

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, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Prior to the commencement of any works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report (dated May 2018 by Arborweald Environmental Planning Consultancy) hereby approved. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 The development shall be carried out in accordance with the Written Scheme of Investigation (WSI) approved under application reference 2022/0616/P,

dated 19/04/2022, or other such details which have been submitted to and approved in writing by the local planning authority.

For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and with the following-

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Important archaeological remains may exist on this site. Accordingly the local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 10 The development shall be carried out in accordance with the Written Scheme of historic building Investigation (WSI) approved under application reference 2022/0616/P, dated 19/04/2022, or other such details which have been submitted to and approved in writing by the local planning authority

For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and with the following-

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: Important archaeological remains may exist on this site. Accordingly the local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 11 Prior to occupation of any relevant part of the development, the applicant will have constructed and implemented all the measures contained in the Energy and Sustainability Assessment dated July 2018 by ME7 hereby approved and such measures shall be permanently retained and maintained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 12 Alan Baxter Ltd shall inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and

approved by a building control body, in accordance with the details approved under application reference 2022/0616/P, dated 19/04/2022. Should there be a subsequent change or reappointment, the replacement shall be a suitably qualified chartered engineer with membership of the appropriate professional body and 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 continuation of basement construction works. Any subsequent change or reappointment shall also be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the 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.

- 13 The basement excavations and constructions hereby approved shall be carried out in accordance with the recommendations regarding design, methodology and monitoring within the Basement Impact Assessment report (Rev A dated March 2019 by Alan Baxter Partnership) and supporting documents hereby approved.

Reason: To safeguard the structural stability of neighbouring buildings and the water environment of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 14 The living roof shall accord with the details approved under application reference 2021/0470/P, dated 16/03/2021, unless otherwise agreed in writing with the local planning authority.

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1 and A3 of the London Borough of Camden Local Plan 2017.

- 15 The recommendations of the ecology report hereby approved shall be carried out in relation to taking a precautionary approach for reptile protection.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and protected species in accordance with policy A3 of the London Borough of Camden Local Plan 2017.

- 16 The sustainable urban drainage system shall accord with the details approved under application reference 2022/0616/P, dated 19/04/2022, or other such details which have been submitted to and approved in writing by the local planning authority. Systems shall thereafter be retained and maintained in accordance with the approved details.

Reason: To reduce the rate of surface water run-off from the buildings and limit

the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting

This application seeks to vary condition 2 (approved plans) of planning permission 2018/5730/P, dated 28/05/2020 (as amended), namely to include the installation of a glass infill roof within the consented lightwell to create a covered courtyard. The permission has already been implemented.

The Winter House is grade II* listed and is located within the Highgate Village Conservation Area. The building was extended in 2005 with a rear extension that is considered to be of no particular merit. At the time of the 2018 planning and listed building consent applications (the original applications to which this amendment relates), it was noted that there would be significant heritage benefits arising from replacing the unattractive rear extension with a more sympathetically designed one, even though it would be larger in size. The 'Reasons for Granting' informative on the 2020 permission noted: "The (proposed) rear extension's carefully considered contemporary design and high quality materials are considered acceptable and represents an enhancement over the existing poor quality extension. It is sympathetic in its size, form, design and relationship to this unique Grade 2* listed modernist house. The extension would not harm the character and appearance of the host building, adjoining buildings and listed structures and the conservation area."

The previous application at the site (reference 2021/4652/P, dated 23/09/2022) also sought changes to the external appearance of the new rear extension (namely changes to facing materials and visibility of openings). The changes were considered to be acceptable, such that the resultant extension would still provide significant heritage benefits to justify the replacement of the existing extension.

The proposed zone that the glass roof (proposed as part of this application) would cover is towards the far end of the new extension, away from the original building, which itself is heavily glazed and modern in appearance. On this basis, the proposed further change is also considered to be acceptable, such that there would be no harmful impact on the listed building or its setting, or the character and appearance of the conservation area.

It is not considered that the proposed changes to the consented scheme would cause undue harm to the residential amenities of nearby and neighbouring properties, due to the nature of the proposed works.

It is not considered that the proposed changes would raise any other planning issues.

Neighbouring occupiers were consulted on the application. One objection has been received prior to making this decision which relates to private land ownership issues and is therefore not relevant to the determination of this

application. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies A1, A2, A3, A4, A5, D1, D2, CC1, CC2, CC3 and T4 of the London Borough of Camden Local Plan 2017 and Policies OS1, OS2, DH2, DH3, DH6, DH7 and DH11 of the Highgate Neighbourhood Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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.
- 3 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.

- 4 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).

- 5 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 7 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 8 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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>.

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