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18 July 2023

London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall,  
Judd Street London  
WC1H 9JE

**F.A.O. Miriam Baptist**

Planning Portal Reference PP-12316931

Dear Sir / Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
HOUSEHOLDER PLANNING PERMISSION AND DEMOLITION IN A CONSERVATION AREA  
50 MARESFIELD GARDENS, LONDON, NW3 5RX**

On behalf of our client, Chi Chung Cheung and June Ng ("the Applicant"), please find enclosed an application ("this / the Application"), which seeks (householder) approval for planning permission and demolition in a conservation area, for internal and external alterations at 50 Maresfield Gardens, NW3 5RX ("the Site" / "the Building"). The description of proposed development ("the Proposals" / "the Scheme") is as follows:

*"External alterations to the building including, replacement of side extension, basement extension, new fenestration and roof form, soft and hard landscaping and associated internal alterations".*

**SITE BACKGROUND**

The Site is located on the east side of Maresfield Gardens, within the Belsize Ward in the London Borough of Camden ("LB Camden" / "Council").

The Site comprises a large single-family dwellinghouse (Use Class C3), spanning four storeys, arranged over Lower Ground, Ground plus two upper storeys.

Maresfield Gardens is a residential street which includes a mixture of single-family dwellinghouses and residential flats. To the north of the Site is no. 52 Maresfield Gardens, to the east, the Site shares its rear boundary with St Mary's School Hampstead (no. 47 Fitzjohns Avenue) and no. 45 Fitzjohns Avenue, and to the south is no. 48 Maresfield Gardens.

The Site and nos. 52 and 54 Maresfield Gardens were developed as residential dwellings in the 1990's on land that formerly belonged to St Mary's School Hampstead (no. 47 Fitzjohns Avenue). Later additions were added to the Site in the 2000s, including a part basement and side extension in 2001 and a conservatory style rear extension in 2007.

The Site is within approximately 1km of local services and amenities, as well as nearby transport links, including Finchley Road and Frognaal (overground station) to the north and Finchley Road (underground station) to south.

The Building is not a statutorily or local listed but is located in the Fitzjohns / Netherhall Conservation Area. The adjacent no. 48 Maresfield Gardens is Grade II listed as is no. 47 Fitzjohns Avenue to the rear.

The Site has a front garden that includes a large driveway, which is predominantly hardstanding and a large rear garden. There are a number of existing mature trees on site.

**PLANNING HISTORY**

A search of the LB Camden's online planning register generates the following results relevant to the Site:

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A list of members' names is available at the above address.

ADDRESS	PLANNING REF.	DESCRIPTION OF PROPOSED DEVELOPMENT	DECISION
50 Maresfield Gardens	2007/5156/P	Details of hard and soft landscaping works including tree survey pursuant to condition 3 attached to the planning permission granted on 7 September 2007 (ref: 2007/3709/P) for erection of a two storey rear/side extension to provide accommodation in form of conservatory / library for existing dwelling house.	Approved on 17 December 2007
50 Maresfield Gardens	2007/3709/P	Erection of a two storey rear/side extension to provide accommodation in form of conservatory / library for existing dwelling house.	Approved on 7 September 2007
50 Maresfield Gardens	PWX0103437	The erection of a basement and ground floor side extension to provide ancillary residential accommodation.	Approved on 10 September 2001 Refused on 4 July 2000
50 Maresfield Gardens	PW9903066	The erection of a two storey house extension with accommodation in attic roof space adjoining the south wall of the existing building	Appeal dismissed on 15 December 2000
50 Maresfield Gardens	PWX0002305	The erection of a single storey side extension to a single family dwellinghouse.	Approved on 16 May 2000
Land at rear of 47 / 49 Fitzjohns Avenue	9501910	Installation of additional rooflights on rear and south elevations to improve lighting standards to attic rooms, as shown on drawing Nos: 521/2 of 6 revision C.	Approved 6 November 1995
Land at rear of 47 / 49 Fitzjohns Avenue	9400484	Redevelopment of the site by the erection of 2 x three storey plus attic dwelling houses and a three storey plus attic building to provide seven residential flats together with on-site parking for thirteen cars and new vehicular access from Maresfield Gardens and associated landscaping as shown on drawing no(s) 512/1-2A 4C-AP4 as revised on 22.04.94 20.05.94 08.06.94 23.06.94	Approved on 21 July 1994

## PROPOSED DEVELOPMENT

### Pre-Application Advice

On 24 March 2023, Planning Officer, Miriam Baptist, provided written pre-application feedback under reference 2022/4908/PRE on the proposals for internal and external alterations to the Site. The details of the Officer's response are enclosed in the Design and Access Statement.

The Planning Officer deemed several elements of the proposal would be supportable in principle:

- *"Two new dormers on the front and rear elevations*
- *Increase in soft landscaping to the front garden*
- *Relocated pedestrian entrance (please see subsequent assessment of proposed widening of vehicle entrance)*
- *New windows to the north, rear and south elevations, including roof lantern to the rear*
- *Extension of existing roof skylight to main roof ridge*
- *Basement lightwells (not visible from the public realm)*
- *Removal of side canopy, new window to replace glazed doors, principle of a new plant enclosure (acceptability subject to the plant proposed and a Noise Impact Assessment) and storage facilities*
- *Lift overrun on northern roofslope will be situated between existing dormer windows and will be clad to match existing roof and therefore, with retention of existing tree cover, is unlikely to be unduly noticeable"*

Comments and recommendations received from this feedback have been taken into account, leading to the following amendments made to Scheme:

- Side extension redesigned to be subservient to the main dwelling due to reduced massing and set back to align with existing extension footprint
- Side extension to be concealed behind a brick garden wall to minimise impact on the street scene
- Revised materials that positively respond to the Fitzjohns / Netherhall Conservation Area
- Removal of the proposal to widen the vehicular entrance

As a result, the Proposals outlined below can be seen to have been informed by these pre-application discussions with LB Camden.

#### Proposals

The Proposals seek to modernise and improve the functionality of the dwelling, whilst incorporating sustainable design to meet the occupier's needs, resulting in a family dwelling fit for contemporary use.

The submitted Design and Access Statement and Application Drawings, prepared by Marek Wojciechowski Architects, provide a detailed description of the Scheme. The Proposals are summarised below:

#### The Main Building:

- Replacement of side extension on south elevation to support domestic uses
- Expansion of the basement underneath the main dwelling to provide additional leisure uses including a swimming pool and spa
- External alterations including new roof form (front and rear dormers), replacement of windows (notably the rear bay window), replacement of existing roof lights, and proposed lift overrun
- Internal reconfiguration of the Building to provide up to five bedrooms

#### The Site:

- Reworking of the front lawn to provide added permeability, soft landscaping and reduction in hard standing
- Creation of an additional pedestrian gate to serve the entrance of the dwelling (as consented under LB Camden's reference 9400484)
- Replacement of the existing fence and gate that provides access to the rear garden with a new brick garden wall on both side elevations
- The waste and recycling bins are to be discretely located on the new side passage next to the new side extension (south elevation)
- Removal of the existing portico on the north elevation and replacement with a new garden shed / cycle store and the erection of an external plant enclosure
- In the rear garden, removal of two trees (T9 sycamore and T14 olive) to accommodate the basement extension and planting of two new trees, Mediterranean crab apple (TA) and Japanese maple (TB)

#### Area Schedule

The Design and Access Statement provides the following area schedule for the Proposals:

FLOOR AREA	EXISTING GIA (SQM)	PROPOSED GIA (SQM)
Basement Floor	29.2	278.0
Ground Floor	201.7	226.2
First Floor	158.7	157.2
Second Floor	86.5	75.5
Total	476.0	736.9

Overall, the Proposals would add 260.9 sqm of GIA floorspace, the majority of which would be at basement level.

### **PLANNING POLICY AND LEGISLATION**

#### Statutory Framework

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the statutory Development Plan, unless material considerations indicate otherwise, and Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990.

#### The Development Plan

The statutory Development Plan for the Site comprises the:

- London Plan (March 2021)
- Camden Local Plan (July 2017)

In addition to the above, the Mayor of London and LB Camden have a number of adopted and emerging supplementary planning documents which provide supporting guidance to the application of the Development Plan policies. Of note is the:

- Fitzjohns / Netherhall Conservation Area Character Appraisal & Management Plan (December 2022)

The National Planning Policy Framework (July 2021) and National Planning Practice Guidance are also material considerations in the determination of any planning application.

Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to explain that this is to be achieved by meeting the following three overarching objectives:

- "an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure"*
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

At the heart of the NPPF is a presumption in favour of sustainable development (Paragraph 11). This means approving development proposals that accord with an up-to-date development plan without delay.

#### Emerging Policy

LB Camden has started the process of reviewing the Camden Local Plan 2017. To inform the development of the new and updated Local Plan for Camden, a call for views engagement was carried out between November 2022 and January 2023. Following this, consultation on the Draft Local Plan is expected in Autumn 2023, with adoption not expected until Summer 2025.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990 provides the legislation that is used to assess the impact of proposals on listed buildings and conservation areas. The following sections of the 1990 Act set out the duties on the decision maker in this case:

- Section 66 (1): When determining applications, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest which it possesses
- Section 72 (1): With respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Various court judgements have confirmed the considerable importance and weight that should be attached to the desirability of preserving the special interest of listed buildings and character and appearance of conservation areas. The meaning of "preservation" in this context is the avoidance of harm.

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#### Site Designations

The Site has the following designations on LB Camden's Interactive Policies Map (August 2021):

- Fitzjohns / Netherhall Conservation Area
- Article 4 Direction Basements (permitted development rights removed)
- Critical Drainage Area.

The Application Site is not a listed building, but is adjacent to the following listed buildings designated by Historic England:

- 48 Maresfield Gardens (Grade II)

- St Mary's School Hampstead, 47 Fitzjohns Avenue (Grade II)

The Environmental Agency locates the Site within the Flood Zone 1 (lowest risk) and therefore has a less than 1 in 1,000 annual probability of river flooding.

The Site has a Public Transport Accessibility Level (PTAL) of 6a, where a score of 0 is very poor access, and 6b is excellent access to public transport.

These designations have been taken into consideration during the preparation of this Application.

### **PLANNING ASSESSMENT**

Within this section, the component parts of the Proposals are assessed against the statutory Development Plan and other material considerations.

#### Design, Heritage and Conservation

The Proposals seek the internal and external alterations to 50 Maresfield Gardens, including the demolition of the existing side extension, and replacement with a high-quality extension that is screened from street level by a traditional brick garden wall. In addition, the extension of the existing basement for leisure uses, new fenestration and roof form, and soft and hard landscaping.

The Proposals aim to utilise and optimise the potential of the Site and to improve its existing condition.

NPPF (Section 12) promotes the creation of high quality buildings and places. This is reinforced by the London Plan Policy HC1 (Heritage Conservation and Growth), Policy D4 (Delivering Good Design) and D5 (Inclusive Design).

Policy D1 (Design) of the Local Plan seeks proposals to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area.

Policy D2 (Heritage) of the Local Plan seeks to preserve and, where appropriate, enhance the borough's heritage assets and their settings.

A Design and Access Statement has been prepared by Marek Wojciechowski Architects. During the design process, the surrounding residential dwellings and the character of the Fitzjohns / Netherhall Conservation Area were thoroughly examined, influencing the proposals presented in this Application. The outcome of this review is found in the Design and Access Statement enclosed with this submission.

The Scheme design has been carefully considered, to ensure that it complements the main dwelling and garden setting. The proposed materiality would be in keeping with the existing appearance of the Building. In addition, the proposed changes to the front of the Building would result in little disruption to the existing street scene, with the new extension concealed from view, and would sit comfortably within its historic context.

A Heritage Appraisal has been prepared by The Heritage Practice, to understand the potential impact of the Proposal on the neighbouring heritage assets and their significance. The Report confirms that the Building is located within the Fitzjohns / Netherhall Conservation Area, but it is not identified as a building of any heritage significance, nor one as making any positive contribution to the conservation area. The adjacent no. 48 Maresfield Gardens is Grade II listed as is no. 47 Fitzjohns Avenue to the rear.

The Heritage Appraisal acknowledges that the new side extension takes a contemporary form, but its set back position and the brick garden wall ensure the extension is read as subservient and secondary to the host building and limited visibility from the street scene. The other minor external alterations have been formulated in the context of the existing materially and architectural style.

The Heritage Appraisal confirms that the character and appearance of the Fitzjohns / Netherhall Conservation Area, and the setting of adjacent statutorily listed buildings would be preserved as a result of the Proposals. Therefore, it should be considered that the design of the Scheme in line with the adopted London and Local Policy, is of a scale, appearance and shape that responds successfully to the identity and character of the locality.

#### Basement Development

The Site currently comprises a single storey basement across a small portion of the building footprint. This Application seeks to extend the basement across the whole building footprint to accommodate the provision of leisure uses including a swimming pool and spa. The basement would reach one storey below ground level (5.1 metres), except for the swimming pool, which would have a depth of 7.6 metres.

Policy A5 (Basements) of the Local Plan states that in determining proposals for basements and other underground development, the Council will only permit basement development where it is demonstrated, to its satisfaction, that the proposal would not cause harm to:

- a) *"neighbouring properties*
- b) *the structural, ground, or water conditions of the area*
- c) *the character and amenity of the area*
- d) *the architectural character of the building*
- e) *the significance of heritage assets."*

The Council will require an assessment of the Scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment. In addition, LB Camden adopted the Camden Planning Guidance (CPG) on Basements in January 2021, which applies to all developments that propose a new basement or extension to an existing basement.

In accordance with LB Camden's requirements, a Basement Impact Assessment and Appendix has been prepared by A-squared Studio and submitted as part of this Application. The report concludes that the resulting impact of the proposals to the basement have been considered negligible.

The new basement extension is proposed to occupy 12.8% of the rear garden. The loss of rear garden space would be offset with an increase in soft landscaping in the front garden.

The extension of the basement and lowering for the swimming pool would not alter the existing conditions in respect of amenity or character of the Building, the appearance of the conservation area, nor the significance of neighbouring listed buildings.

#### Trees and Garden Space

Policy A3 (Biodiversity) of the Local Plan sets out that the Council will protect and seek to secure additional trees and vegetation. It will resist the loss of trees and vegetation of significant value, requiring them to be protected during demolition and construction and expect replacement trees to be provided where the loss of significant trees or the harm to the wellbeing of those trees is justified in the context of the Proposals. Additional trees will be expected to be incorporated wherever possible.

Two trees (T9 sycamore and T14 olive) of low value are proposed to be removed, to accommodate the basement. All other trees are proposed to be retained. Two new trees are also proposed in the rear garden Mediterranean crab apple (TA) and Japanese maple (TB). The extent of the basement has been designed to avoid root protection areas of the retained and proposed trees, especially those on the north boundary of the Site.

As such, the Proposals are considered to comply with Policy A3 (Biodiversity) of the Local Plan. A full Arboricultural Report (including Arboricultural Impact Assessment and Arboricultural Method Statement) has been prepared by John Cromar's Arboricultural Company and submitted with this Application.

The Proposals include re-landscaping of the front garden to reduce the amount of hardstanding and increase the soft landscaping and permeable paving. This would improve the overall greening of the Site, especially at the front of the Building facing the street, in turn enhancing the appearance of the conservation area.

An additional pedestrian gate is to be introduced into the front boundary wall (as consented under LB Camden's reference 9400484) to serve the main dwelling. The vehicular access and secondary pedestrian access are to be retained to serve the driveway.

The Planning Officer has outlined within the pre-application written feedback that the high hedge along the front boundary is a positive contributor to the streetscape, and that replacement would need to match the existing in terms of height and maturity.

#### Amenity

The external alterations proposed as part of this Application are in line with alterations associated with single family dwellinghouses and ensure the Site functions support the occupiers' requirements.

London Plan Policy D6 (Housing Quality and Standards) requires development not to cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy. Furthermore, Policy A1 (Managing the Impact of Development) of the Local Plan ensures development proposals will only be granted if the quality of life of occupiers and neighbours are protected.

There is no new development that would impact the neighbour's amenity in terms of privacy, outlook or light. This has been acknowledged by the Planning Officer, within their formal pre-application written feedback. Furthermore, the Proposals would provide adequate levels of natural light in all habitable rooms within the Site.

A Noise Impact Assessment has been prepared by KP Acoustics which identifies the background noise level for the Site. The report establishes the acceptable noise criteria applicable to the noise from the proposed plant and concludes that noise emissions would not have an adverse impact on the nearest residential receivers provided that the noise control strategy is followed.

We would expect a planning condition to be applied in that respect, should permission be granted. This would ensure that acceptable levels of noise are maintained and surrounding amenity unaffected. This supports Camden's Local Policy A4 (Noise and Vibration) which seeks to ensure noise and vibration is controlled and managed.

#### Sustainability, Energy and Overheating

The existing extension was constructed in 2007 however was built using poor quality fabric and would not meet the current Building Regulations requirements. The Proposals seek to incorporate sustainable design and energy strategy to ensure the longevity and efficiency of the Building.

Policies CC1 to CC5 (Sustainability and Climate Change) of the Local Plan require developments to be resilient to climate change and sets out guidance on sustainable design, reducing carbon emissions, green infrastructure, water, waste and air quality.

A Sustainability, Energy and Overheating Report, prepared by Webb Yates Engineers, submitted as part of this Application, sets out the sustainability and energy strategy for the Site in line with LB Camden's planning policy and Building Regulations Part L.

The Council requires that development proposals seek the removal of fabric to fully justify in terms of the optimisation of resources and energy use, in comparison with the existing building. The Report states that the proposed extension would lead to a significant improvement in energy consumption and savings for the whole development. Other improvements that the Proposals would generate include savings of CO<sub>2</sub> emissions over a 60-year lifespan, increasing the 'U-value' of external walls, and the upgraded fabric would reduce heating and cooling loads.

Air Source Heat Pumps are proposed to produce the Building's supply of hot water and heating and are considered as an efficient method.

The Council requires all new development to outline how the London Plan's 'cooling hierarchy' has informed the building design. The Sustainability, Energy and Overheating Report identifies that the Site has a high risk of overheating during the summertime, and recommends mechanical cooling for habitable rooms, kitchen and the proposed leisure uses in the basement to mitigate the risks of overheating. The basement would also be mechanically ventilated by supply and extract mechanical ventilation heat recovery MVHR systems.

#### Flood Risk and Drainage

The NPPF (Paragraph 159) states that inappropriate development in areas at risk of flooding should be avoided, by directing development away from areas at highest risk, but where necessary making it safe without increasing flood risk elsewhere.

Policy SI12 (Flood Risk Management) of the London Plan requires that current and expected flood risk from all sources across London should be managed in a sustainable and cost-effective way in collaboration with the Environment Agency, the Lead Local Flood Authorities, developers and infrastructure providers. This Policy outlines that all development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Further, proposals should contribute to the delivery of the measures set out in Thames Estuary 2100 Plan.

Local Plan Policy CC3 (Water and Flooding) seeks to ensure that development does not increase flood risk and reduces the risk of flooding where possible.

The Site is located within a Critical Drainage Area as designated by LB Camden's Strategic Flood Risk Assessment. A Flood Risk Assessment and Drainage Strategy has been prepared by Webb Yates Engineers and accompanies this Application. The Report confirms that the site has a low probability of flooding from all sources.

Surface water runoff from the development is managed using Sustainable Drainage Systems (SuDs). Surface water attenuation would be improved through a series of SuDS measures in the form of permeable paving and soft landscaping, creating a 30% reduction compared to the existing situation. The surface water from the site would discharge into the below ground drainage system.



The Flood Risk Assessment concludes that the Proposals will be safe, and that flood risk would not increase elsewhere as a result of the development, in line with policy requirements.

#### Community Infrastructure Levy

Within this Application, consideration is given to the 'MCIL2' requirements which came into effect on 1 April 2019. The Site is located within the Central London (Band 1) and therefore has a rate of £80 per sqm of floorspace.

In addition to the above, LB Camden adopted its Community Infrastructure Charging Schedule in September 2020 which has taken effect since 30 October 2020. This outlines a rate of £644 per sqm rate for residential development below 10 dwellings.

Community Infrastructure Levy Form 1 has been submitted with this Application which outlines the relevant information for the Proposals.

#### Conclusion

The Proposals have been developed with regard to the Development Plan, including policy and guidance at the national, regional and local levels. This includes the London Plan (March 2021), the Camden Local Plan (July 2017), the Fitzjohns / Netherhall Conservation Area Character Appraisal & Management Plan (December 2022) and Camden's planning guidance including the Design CPG (January 2021). We therefore respectfully consider that the Proposals is appropriate and householder planning permission and demolition in a conservation area (this Application) should be granted.

#### **APPLICATION MATERIAL**

The Application is submitted via the Planning Portal (ref. PP-12316931) and comprises the following documentation:

1. Document Schedule prepared by Montagu Evans, dated 18 July 2023
2. This Covering Letter (incl. Planning Statement) prepared by Montagu Evans, dated 18 July 2023
3. Completed Application Forms (Householder Planning Application and Demolition in a Conservation Area) prepared by Montagu Evans, dated 18 July 2023
4. Community Infrastructure Levy Form 1, prepared by Montagu Evans, dated 18 July 2023
5. Site Location Plan (1:1250) prepared by Marek Wojciechowski Architects, dated 29 June 2023
6. Drawing Issue Sheet prepared by Marek Wojciechowski Architects, dated 29 June 2023
7. Application Drawings (incl. floor plans, elevations, and sections) prepared by Marek Wojciechowski Architects, dated 29 June 2023
8. Design and Access Statement prepared by Marek Wojciechowski Architects, dated 29 June 2023
9. Heritage Appraisal prepared by The Heritage Practice, dated June 2023
10. Arboricultural Report prepared by John Cromar's Arboricultural Company, dated 30 June 2023
11. Noise Impact Assessment prepared by KP Acoustics, dated 3 July 2023
12. Basement Impact Assessment prepared by A-squared Studio, dated 4 July 2023
13. Sustainability, Energy and Overheating Report prepared by Webb Yates Engineers, dated 10 July 2023
14. Flood Risk Assessment and Drainage Strategy prepared by Webb Yates Engineers, dated 3 July 2023

#### **APPLICATION PROCEDURE**

In accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended), a fee of £206.00 (plus £64.00 service charge) has been calculated, which has been paid via the Planning Portal at the time of submission.

We would be grateful if LB Camden could confirm that the Application is complete and will be validated shortly. If you require any further information, or wish to discuss in more detail, please contact Peter Bovill [REDACTED] / [REDACTED] or Eleanor Mazzoni [REDACTED] of this office in the first instance.

Yours faithfully

MONTAGU EVANS LLP

**MONTAGU EVANS LLP**

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