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Our Ref: 23.5013

120 Bermondsey Street
London
SE1 3TX

T 0203 268 2018

Planning Department
London Borough of Camden 2nd Floor
5 Pancras Square
Town Hall
Judd Street
London
WC1H 9JE

Dear Mr Versluys

Re: S73 application for 60 South Hill Park, London NW3 2SJ

On behalf of our client, Ms Emma Davies, we have been instructed to prepare and submit an application under Section 73 (S73) of the Town and Country Planning Act 1990 in relation to the abovementioned Site. Planning permission was granted via delegated decision on 5th May 2023 under planning reference no. 2022/4551/P for the:

Erection of a mansard roof extension with PV panels above, a lower ground floor rear extension with green roof above, a reconfigured 1st floor bathroom rear extension, new windows and relocated entrance door on side elevation, window alterations on rear elevation, reconfigured lower ground floor side wing with extension into front garden, removal of 1st floor rear conservatory and replacement by roof terrace, and new waste bin and cycle stores in front garden.

This S73 application seeks to vary Condition no.2 of application 2022/4551/P to substitute the approved plans with amended plans prepared by Norman-Praham Architects which have been submitted in support of this application.

The proposed alterations do not result in any change to the approved description of development and are not considered to fundamentally alter the development, or the basis on which planning permission was granted. As such, a S73 application is considered the appropriate application by which to make the necessary changes to the development.

Site and Surroundings

The Site comprises a four-storey semi-detached dwelling which forms part of a terrace of four Victorian houses. The wider surrounding area comprises residential development. Hampstead Village is located approximately 700 metres west of the Site and Hampstead Heath Overground Station is located approximately 250 metres south of the Site. The Site lies within the South Hill Park Estate Conservation Area but is not a listed building.

Proposal

As set out above, the proposed amendments to the approved drawings do not fundamentally change the description of development which includes roof extension,



rear extensions, new windows and new waste and bin stores. Specifically, this S73 application seeks to substitute the following approved plans:

Approved Plans	Substitute Plans
SHP-012 P1 Proposed Site Plan	SHP 10_00 C (Proposed Site Plan)
SHP-013 P1 Proposed Lower Ground, Ground and First Floor Plans	SHP 11_00 C (Proposed Lower Ground/Ground Floor Plan)
SHP-013 P1 Proposed Lower Ground, Ground and First Floor Plans	SHP 11_01 C (Proposed 1 st /2 nd floor Plan)
SHP-014 P1 Proposed Second, Third and Roof Plans	
SHP-014 P1 Proposed Second, Third and Roof Plans	SHP 11_02 C (Proposed 3 rd Floor/Roof Plan)
SHP- 018 P1 Proposed Front Elevation	SHP 16_01 C (Proposed Front Elevation)
SHP-019 P1 Proposed Side and Rear Elevations	SHP 16_02 C (Proposed Side and Rear Elevations)
SHP-020 P1 Proposed Party Wall Elevation	SHP 16_03 C (Proposed Party Wall Elevation)
SHP-017 P1 Proposed Section DD	SHP 17_01 C (Proposed Section D-D)

Whilst each of the drawings are annotated describing the proposed amendments to the approved drawings, we set out the main amendments below.

Lower ground floor

As can be seen on substitute plan 11_00 C the lower ground floor rear extension is reduced slightly in length than that which has been approved. This plan also shows an internal re-configuration of floorspace when compared with the approved plan and includes the repositioning of a window on the south elevation towards the west. The quantum of floorspace remains as approved, however the previously approved utility/WC and sleeping accommodation is now proposed to be replaced with a bathroom, bedroom and plant as shown in SHP 16_02 C.

The proposed rear elevation SHP 16_02 C, shows a replacement of window style which is more in keeping with the host property and is considered an improvement on the approved scheme.

Ground floor

The green roof is slightly reduced as a consequence of the reduced lower ground floor extension. In addition the substitute plan 11_00 C also includes an external staircase to provide access to the upper floor and shows the revised bike and refuse store which has been rationalised and refined from that

which has been approved. There are some internal changes proposed which improve access and optimise the floorspace, providing better living accommodation. The elevational changes proposed (SHP 16_02 C) shows the removal of two windows in the southern elevation and a repositioning of one window towards the west. The previously proposed door will be removed.

First floor

The substituted plan 11_01 C shows the external staircase and an internal re-configuration which shows a bathroom in the southeast corner. The central staircase is proposed to be removed as will a window in the southern elevation as shown in drawing no. SHP 16_02 C. One of the approved windows is proposed to be replaced with a door and canopy, enabling access to the upper floor flats. One of the approved windows on the southern elevation has been repositioned towards the east and is now proposed to have an arched design.

Second floor

Substituted plan SHP 11_01 C shows the lead roof of the entrance platform and staircase enabling access to the upper floors, together with a new conservatory and glazed roof. The floorspace has been re-configured and is proposed to accommodate two bedrooms (one ensuite), a study and a bathroom. The southern elevation is proposed to change with the removal of one approved window and a repositioning of another window, moving slightly east and is now proposed to have an arched design.

Third floor

The proposed third floor would provide a terrace and green roof which is almost identical to that which has been previously approved.

Roof level

The proposed roof plan is largely similar to that which has been approved save for the replacement of the windows with conservation style rooflights. The appearance of these will be slightly different than what has previously been approved with one single pane of glass which is considered more sympathetic given the Site's location in a conservation area.

Summary

The amendments subject of this S73 application are considered justified and acceptable in planning terms. The proposed amendments do not fundamentally alter the approved description of development as the proposals would effectively result in a scheme which delivers the same scale and nature of development. However, in order to facilitate the minor material amendments which are hereby proposed, it is necessary to submit this application.

As discussed, the proposed amendments are both acceptable and justifiable in planning terms and, as recently confirmed by the recent *Armstrong v Secretary of State for Levelling-Up* case in which the High Court ruled in favour of Mr Armstrong and confirmed that as long as a new scheme proposed under S73 is consistent with the operative part of the original planning permission, then it is justified to apply under a S73 application. As such, this application should be allowed under S73 of the Town and Country Planning Act 1990. In light of this, the Council is respectfully requested to approve this S73 application without delay.

I trust the above to be acceptable and look forward to receiving written confirmation that the application has been validated. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grant Leggett', with a long horizontal stroke extending to the right.

Grant Leggett
Executive Director, Head of Boyer London

Tel: 07791 144 750

Email: grantleggett@boyerplanning.co.uk