



13th March 2024
Our Ref: 23.5076

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FAO: Sam Fitzpatrick

Dear Sam

Re: Section 73 Application - 29a Frognal, London, NW3 6AR.

On behalf of our client, Alex & Emanuelle Esterkin, we have been instructed to prepare and submit an application under Section 73 of the Town & Country Planning Act 1990 in relation to the above Site.

By way of background, planning permission was granted via delegated powers on 6th February 2024 (Planning Reference: 2023/4302/P) for the:

Erection of single storey extensions at ground floor to front and rear, replacement and enlargement of existing ground floor side extension, and installation of rear dormer and rooflights. Various external works including erection of refuse store and cycle storage, installation of green wall, and landscaping to garden area.

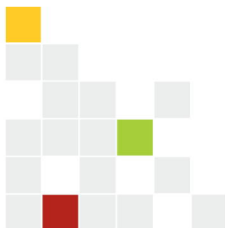
This Section 73 application seeks to vary Condition 2 of application (2023/4302/P), substituting three of the approved plans with amended plans prepared by Fleck Architects.

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 Section 73 application is considered the appropriate application by which to make the necessary change to the development.

Site and Surroundings

The Site comprises a two-storey terraced house, located on a prominent corner plot at the junction of Frognal and Awkright Road. The house forms the northern end of a group of four 1950's era terraced properties. The wider surrounding area comprises residential development.

The Site lies within the Redington Frognal Conservation Area, however the four terraced properties are referenced within the Conservation Area Appraisal and are considered as "buildings that cause harm to the conservation area". The Site lies within Flood Zone 1 (low probability) & PTAL Zone 6a.



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Proposed Amendments

As set out above, the proposed amendments to the approved drawings do not fundamentally change the description of development which includes single storey front and rear extensions, the replacement and enlargement of the existing side extension, the installation of a rear dormer, rooflights, and a new refuse store and cycle storage. Specifically, this application seeks to substitute the following approved plans:

Approved Plans	Substitute Plans
1167P_212A Proposed: Side (north) elevation	1167P_212B Proposed: Side (north) elevation
1167P_213 Proposed: Side elevation from Arkwright Rd	1167P_213A Proposed: Side elevation from Arkwright Rd
1167P_214A Proposed: Rear (south) elevation	1167P_214B Proposed: Rear (south elevation)
1167P_215 Proposed: Side (west) elevation	1167P_215A Proposed: Side (west) elevation
1167P_200 Proposed: Ground floor plan	1167P_200B Proposed: Ground floor plan
1167P_201A Proposed: Upper floor plans	1167P_201B Proposed: Upper floor plans
1167P_20 Proposed Block Plan	11677P_20A Proposed Block Plan

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

Rear Extension

As set out on Proposed Plans (1167P_200B), the side wall of the rear extension has been increased to the north by approximately 1.2m, to increase the amount of internal floorspace to provide a larger kitchen.

This small increase will ensure the extension remains a modest extension with no increase in height proposed. The extension would not cause any impacts on amenity in terms of privacy or overlooking, as it would be extended away from any neighbouring properties. As per paragraph 5.2 of the Members Briefing, *“due to the nature of the proposal, it is not expected that there would be any negative impacts on amenity in terms of privacy or overlooking. The extensions would not provide any new significant opportunities for overlooking into neighbouring habitable space, so it is not considered that there would be any harmful impacts on privacy.”*

It is important to note the rear extension has only been extended out onto the existing patio and not into the garden space. The extension would also not impact any of the RPAs of trees, as set out in the Arboricultural Impact Assessment (AIA). Given the principle of the rear extension has been accepted, and that the extended part would not cause any impact on neighbour's amenity or result in any impact on trees, we consider the proposed increase to the rear extension to be acceptable.

Rear dormer

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The second amendment comprises changing the cladding of the approved dormer cheeks, from 'Standing Seam Zinc' to 'Concrete Tile'. The annotation on Proposed Elevations (1167P_212B) has been amended to confirm this detail. The massing of the dormer will remain unchanged.

The amendment to concrete tile cladding, would be in line with the other properties on the terrace and would reflect Condition 3 attached to the approved decision notice which states "*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.*" We therefore consider this small change is acceptable.

Summary

The amendments proposed within this Section 73 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 nature of development.

We trust the above to be acceptable & look forward to receiving written confirmation that the application has been validated, however, please do not hesitate to contact me should you have any questions or require any further information.

Yours sincerely



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Graduate Planner

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