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## Via Planning Portal Only

16<sup>th</sup> July 2024

Dear Brendan Versluys

### **Section 73 – The Town and Country Planning Act 1990**

**14 Templewood Avenue, London, NW3 7XA**

**Application for a minor material amendment to your planning permission bearing ref. no. 2013/6912/P (as amended by non-material amendment bearing ref. no. 2024/1436/P)**

### **Introduction**

We are submitting on behalf of our client, Mr Benjamin Khalili, this planning application seeking approval for a minor material amendment to your planning permission bearing ref. no. 2013/6912/P (as amended by non-material amendment bearing ref. no. 2024/1436/P), and referred to here as “the Planning Permission”, relating to the above mentioned property.

The primary purpose of this application is to modify condition 1 of the Planning Permission, relating to the approved plans. This condition states:

*The development hereby permitted shall be carried out in accordance with the following approved plans: 1861/AE-001, 1861/AE-002, 1861/AE-003/01, 1861/AE-003/02, 1861/AP-002/01, 1861/AP-002/02, 1861/AP-003/01, 1861/AP-003/02, 1861/AP-004, 1861/AP-005, 1861/AP-006, 1861/AS-001/01, 1861/AS-001/02, 1861/AS-002, 1861/ASP-001, pending/06A, pending/05A, pending/07 and Site Location Plan.*

We are seeking a new permission and the condition we are proposing in place of condition 1 should refer to the development we are seeking approval for now, as follows:

*The development hereby permitted shall be carried out in accordance with the following approved plans: 199 Rev A, 200 Rev D, 201 Rev D, 202 Rev D, 203 Rev D, 204 Rev D, 205 Rev D, 206 Rev A, 300 Rev A, 301 Rev B, 302 REV A, 303 Rev A, 311 Rev B and 310 Rev C.*

In support of this application please find enclosed: a completed application form, a CIL Questions Form, a full set of existing, demolition and proposed plans and a planning addendum that includes a comparison between the previously consented and proposed scheme.

In the event that this application is approved, in addition to modifying condition 1, changes will be needed in respect of the other conditions as follows:

Condition 2 (time limit for implementation) - given the development approved by the Planning Permission has begun there is no requirement to re-impose a time limit condition in respect of implementation.

Condition 3 (materials) – this can be re-applied.

Condition 4 (joinery details) – this can be re-applied.

Condition 5 (landscaping) – this can be re-applied.

Condition 6 (engineer) – this condition was imposed due to the extent of basement excavation proposed. It is suggested that this condition can be removed as the extent of the basement excavation is significantly smaller than that which was approved in the Planning Permission .

Condition 7 (rose garden) – This condition was imposed because the rose garden immediately to the rear of the property was located immediately above the proposed basement extension. This extension is no longer proposed. Therefore, it is considered that this condition should not be-imposed.

### **The Proposal**

The proposal seeks a material minor amendment to full planning permission reference 2013/6912/P to amend the approved plans condition.

The proposed amendments to the approved plans include:

1. Rear extension to the coach house to connect it to the main house (but the coach house will remain capable of being used and occupied independently from the main house)
2. Reduction in basement excavation extent to simply lower of part of the existing basement
3. Minor Internal layout alterations
4. Omission of the previously approved front lightwell
5. Fenestration alterations including new openings and retention and enlargement of existing openings
6. Retention of existing balcony and railing to the front
7. Retention of existing dormer window and balcony to the side
8. Rear external staircase alterations
9. Lowering of ground level to the side by up to 70cm

We suggest that the following description of development is used:

*Minor material amendment of planning permission bearing ref. no. 2013/6912/P as amended by non-material amendment bearing ref. no. 2024/1436/P (Authorising excavation works to provide single basement floor level, side and rear extensions at ground floor level, extension and alterations to coach house and other external alterations, repair and reinstatement of boundary treatments, removal of car port and erection of cycle store, associated landscaping, and conversion from six self-contained flats to a dwelling house (Class C3)). Changes include: erection of a link to connect the coach house to the main house, reduction in extent of basement excavation, modifications to internal layout, omission of front-lightwell, changes to fenestration, retention of existing balcony and railings, retention of existing dormer window and balcony on the side elevation, changes to the external staircase and modest lowering of ground level.*

## **Background**

In terms of background, pre-commencement conditions were discharged in respect of the Planning Permission, and the development was commenced lawfully on the 26<sup>th</sup> of April 2019 through the demolition of the car port and the laying of a pipe in a trench in the rear garden. The lawful implementation of planning permission 2013/6912/P was verified by a Certificate of Lawfulness for Proposed Use or Development issued on the 15<sup>th</sup> of May 2020 bearing your ref. 2020/0699/P. Subsequently, a non-material amendment (s.96a) application was approved on the 15<sup>th</sup> of May 2024, to correct an erroneous description of development. A detailed account of the planning history of the site can be found at Appendix 1.

Whilst the Planning Permission has been implemented, the main house has not yet been converted to a single dwelling and all of the approved operations apart from the demolition of the car port have not been carried out. For the avoidance of doubt however the approval we are seeking through this application is wholly prospective.

## **The Site**

The site comprises a grade two listed, detached, two-storey building with basement and rooms in the roof, designed by Charles Quennell and erected in the Edwardian era. The building is constructed of red brick and a pitched roof. Also within the site is a two-storey former coach house/vehicle garage erected in the 1950s. The site is located in Redington and Frogna Conservation Area. Opposite the site is the grade II listed no.15 Templewood Avenue, also designed by Quennell. The surrounding area is dominated by large detached neo-Georgian houses with large front and rear landscaped gardens.

The site lies within a flood risk zone of 1 and is not identified as being at risk of surface water flooding, on the Environment Agencies Flood Risk Map for Planning. The site is in an area with a public transport accessibility level (PTAL) of 0.

## **Planning Legislation and Policy:**

### **Legislation**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **National Planning Policy**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development which incorporates three specific strands – economic, environmental and social. The following sections are relevant to the consideration of this application; Section 12 (achieving well designed places) and Section 16 (conserving and enhancing the historic environment).

### **Local Planning Policy**

For the purposes of this application, the adopted development plan for the London Borough of Camden comprises the London Plan (2021), the Local Plan (2017) and Redington and Froggnal Neighbourhood Plan (2020). Camden's Supplementary Planning Guidance Documents are material planning considerations. Please see Appendix 2 for a list of relevant planning policy and guidance documents.

## **Planning Analysis:**

### **Principle of development**

The general principle of reverting the six flats to a single dwelling has been established by planning permission 2013/6912/P. The planning permission has been lawfully implemented and therefore can be lawfully completed, as confirmed by lawful development certificate 2020/0699/P. The general principle of the proposed development continues to be acceptable.

### **Design, visual and character impacts**

London Plan Policy D3 advocates making the best use of land by optimising the capacity of sites through a design led approach.

Local Plan Policy D1 sets out that the Council will seek to ensure that all new development constitutes high quality design.

Redington and Froggnal Neighbourhood Plan Policies SD2 and SD4 seek to ensure the new development is sympathetic to the character of the Redington Froggnal Conservation Area.

The building is an architecturally and historically significant building. The proposal reverts the building back to a single family dwelling, which was its original intended purpose. The proposed amendments are primarily associated with modern components of the building. Notably, at basement level and the detached coach house. The proposed rear extension to the coach house would not be readily visible from public vantage points, a degree of visual separation between the coach house and the main building is retained to the front. The reduction in basement extent, lowering of the ground level to the side, omission of rear and front lightwells and staircase alterations would similarly not be readily visible from public vantage points.

The external alterations to the main house comprise of the retention of some features that were previously proposed for removal and modest alterations to fenestration, including the re-opening of previously blocked up openings and enlargement of some openings. This also includes the retention of dormer windows and a balcony in the flank elevation and the balcony on the front elevation. None of these elements would materially affect the external appearance of the building or the contribution it makes to the character of the area.

The proposal remains high quality design, in accordance with London Plan Policy D3, Local Plan Policy D1 and Neighbourhood Plan Policies SD2 and SD4.

#### Heritage impact

Sections 16/66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

London Plan Policies HC1 reiterates that development affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets significance and appreciation in their surroundings.

Local Plan Policy D2 states that the Council will preserve and where appropriate enhance heritage assets including listed buildings and conservation areas. The policy continues to set out that the Council will not permit development that results in harm unless the public benefits of the proposal convincingly outweigh the harm.

The building is grade II listed, designed by Charles Quennell and constructed by George Washington in 1910/11. The building was listed in January 1990. The list description can be found at Appendix 3.

The Redington and Frogna Conservation Area Appraisal describes the character of the area as large detached houses with common architectural features of strong group value. These include Georgian style red brick buildings with decorated chimneys, brick quoins, projecting open porches with brick boundary walls and hedges.

The building is built in a Neo-Georgian style and is understood to have been converted into flats in the 1950s/1960s. As a result, the building has been heavily altered internally.

The proposed changes to the consented scheme primarily relate to a modest increase in the rear extension depth to the clubhouse, reduction in basement excavation extent, fenestration alterations, external staircase alteration and the retention of features that were previously consented for removal such as the existing dormer and balcony on the flank elevation, the front balcony and the omission of the previously consented front lightwell.

The proposed alterations to the coach house and basement would not result in the removal of any historic fabric. The coach house would remain a subservient addition to the principal building. The proposed basement and coach house alterations do not materially affect the consented ground floor layout in respect to the previously consented stair and lift access.

The proposed fenestration alterations seek to open up previously closed openings in the rear and side elevations. This would improve the fenestration pattern on the facades and would not harm the special interest of the building or the contribution it makes to the character of the area.

Similarly, the modest lowering of the ground level to the east of the building and the reconfiguration of the rear external staircase would not harm the character and appearance of the conservation area.

The proposed changes to the consented scheme preserves the special interest of the listed building and the contribution it makes to the special interest of the conservation area. The proposal accords with London Plan Policy HC1, Local Plan Policy D2 and sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Neighbour amenity impact

London Plan Policy D3 states that development should deliver appropriate outlook, privacy, and amenity for neighbours. Policy D6 seeks to ensure that new development achieves a good standard of amenity for all.

Local Plan Policy A1 seeks to protect the quality of light of neighbouring occupiers by only granting permission for development that would not harm amenity. This includes impacts such as overlooking, overbearing, light, outlook, sense of enclosure, light pollution and noise.

The site is bound by residential development to the north, south and east. The shared boundaries are well planted with established trees and hedges. Given that the proposed changes to the built extent are at ground floor level and basement level, the proposal would not have a materially different impact on neighbour amenity than the previously consented scheme. The proposed fenestration alterations and retained elements would not result in any materially greater levels of overlooking or loss of privacy than currently exist.

The proposal accords with London Plan Policies D3 and D6 and Local Plan Policy A1.

#### Parking

Para 115 of the NPPF advises that development should only be refused on highway grounds if there would be unacceptable highway safety impacts.

London Plan Policy T5 sets out that new developments should provide 1-1.5 long stay cycle parking spaces per 1 bedroom dwelling and 2 parking spaces for all other dwelling types. London Plan Policy T6 advocates car free development in areas of high Public Transport Accessibility Rating. LP Policy T6.1 sets out that up to 1.5 vehicle parking spaces should be provided in areas with a Public Transport Accessibility Rating of 0-1.

Camden Local Plan Policy T2 advises that the Council will limit the availability of parking and require all new development in the borough to be car free. It states that this will be achieved by not issuing on street parking permits in connection with new development and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits and limit on site parking to spaces designated for disabled people and/or essential operational or servicing needs.

The property has two vehicular cross overs serving as an in/ out driveway, with capacity to park 4 plus vehicles. The proposal does not seek to increase car parking capacity above that of the previously consented scheme. Cycle parking can be accommodated in the consented garage or cycle store. The proposed car parking arrangement is therefore considered to be acceptable and in accordance with London Plan Policies T5, T6.1 and Local Plan Policy T2.

#### Arboricultural impacts

Local Plan Policy A3 advises that the Council will protect and enhance sites of biodiversity value and protect trees of amenity value.

The proposal reduces the extent of the consented basement excavation. The existing consented tree protection arrangements would ensure that the existing trees of merit would be suitably protected during development.

The proposal would not have any adverse arboricultural impacts in line with Local Plan Policy A3.

#### Basement development

CLP Policy A5 (criteria a-e) states that the council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area and the significance of heritage assets.

In determining proposals for basements and other underground development, 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 (BIA). As part of this assessment, it requires criteria n-u of Policy A5 to be considered. These criteria require the applicant to demonstrate a 'very slight' risk of damage to neighbouring properties, to avoid adverse drainage or water environment impacts, avoid harm to amenity of neighbours, to provide satisfactory landscaping and soil depth, avoid harm to the property and the established character of the area, protect archaeological remains and not prejudice the ability of the garden to support trees, where are part of the character of the area.

Camden's adopted planning guidance on basements (CPG Basements) provides further detail on the application of Policy A5.

The planning application was accompanied by a basement impact assessment. The assessment that confirmed the proposal would not adversely impact stability, hydrological or hydrogeological impacts. The proposed basement extent is substantially reduced. The proposed basmement works are limited to modest lowering of the level adjacent to the side access door and modest lowering of the land level in the side passage (up to 70 cm). It is considered that the scale of basement development proposed is so modest that it does not require further Basement Impact Assessment. Notwithstanding this, the proposal meets the criteria set out in CLP Policy 5 (criteria f-m).

#### Community infrastructure levy (CIL) and planning obligations

We attach a CIL Questions Form which shows that the proposed development will increase the GIA of the property from 1,044.7 sq. metres to 1,123 sq. metres, a net increase of 78 sq. metres. This is a significant reduction in the net additional floorspace approved by the Planning Permission. Our client intends to liaise with the Council's CIL team in due course to discuss the implications of this change in terms of the CIL liability.

Planning permission 2024/1436/P was granted subject to a legal agreement dated 29<sup>th</sup> of April 2016. If deemed necessary, the applicant is willing to enter into a legal agreement to secure the previously agreed obligations insofar as they are proportionate to the amended reduced scheme. Given the reduction in the basement excavation we suggest we suggest that new obligation (or deed of variation) should remove the requirement to submit and comply with the terms of a detailed basement construction method statement.

#### Summary & Conclusion

As demonstrated within this letter and supporting documents, the proposed works are considered to respond positively to the character and appearance of the conservation area and the special interest of the host property. The proposal would not harm highway safety, neighbour amenity or any trees of merit. The development fully accords with the development plan and national planning policy guidance, and it is respectfully requested that the material minor amendment is granted.

I trust this letter and the enclosed documents provide you with sufficient information to determine the application but if you require any points of clarification of have any questions, please do not hesitate to contact me.

Yours faithfully.



**Stuart Minty**  
**Director**  
**SM Planning**



## **APPENDIX 1: PLANNING HISTORY**

On the 15<sup>th</sup> of May 2024, a non-material amendment application was granted (reference 2024/1436/P) to amend the description of development of planning permission 2013/6912/P to excavation works to provide single basement floor level, side and rear extensions at ground floor level, extension and alterations to coach house and other external alterations, reinstatement/ repair of boundary treatments, removal of car port and erection of cycle store, associated landscaping, and conversion from six self-contained flats to a dwelling house (Class C3).

On the 15<sup>th</sup> of May 2020, a lawful development certificate (reference 2020/0699/P) was granted confirming that planning permission 2013/6912/P (for excavation works to provide a single basement floor level, side and rear extensions at ground floor level, extension and alterations to coach house and other external alterations, removal of car port and erection of cycle store, associated landscaping and conversion from 5 self-contained flats to a dwelling house) had been lawfully implemented.

On the 28<sup>th</sup> of December 2018, a discharge of condition application (reference 2018/6028/P) was granted to discharge condition 6 of planning permission 2013/6912/P.

On the 16<sup>th</sup> of December 2014, listed building consent was granted (reference 2014/1402/L) for internal alterations including removal of internal partitions and amendments to circulation.

On the 29<sup>th</sup> of April 2016, listed building consent was granted, subject to legal agreement, (reference 2013/6973/L) for alterations in connection with excavation works to provide single level basement floor, extensions at ground floor level, extension and alterations to coach house and other external alterations, removal of car port and erection of cycle store, associated landscaping, and works of conversion from five self-contained flats to a dwelling house (class C3).

On the 29<sup>th</sup> of April 2016, planning permission was granted, subject to legal agreement, (reference 2013/6912/P) for excavation works to provide single basement floor level, side and rear extensions at ground floor level, extension and alteration to coach house and other external alterations, removal of car port and erection of cycle store, associated landscaping and conversion from five self-contained flats to a dwelling house (Class C3).

On the 31<sup>st</sup> of January 2014, planning permission was granted (reference 2013/7774/P) for the conversion of six flats to a single family dwelling house following occupation of four new flats at 14/15 Collage Crescent. The permission was subject to legal agreement.

On the 7<sup>th</sup> of February 2011, planning permission was granted (reference 2010/4998/P) for the conversion of six flats to single family dwelling house (Class C3).

On the 21<sup>st</sup> of July 2010, listed building consent (reference 2010/2895/L) was granted for internal alterations related to the conversion of the building from 6 flats to a single dwelling house (class C3).

On the 7<sup>th</sup> of February 2011, planning permission was granted (reference 2010/4998/P) for the conversion of six flats to a single family dwelling house (Class C3).

On the 11<sup>th</sup> of January 2010, planning permission was refused (reference 2009/4648/P) for the conversion of 6 flats to a single dwelling house (Class C3).

On the 11<sup>th</sup> of January 2010, listed building consent was refused (reference 2009/4651/L) for the conversion of 6 flats to a single dwelling house (Class C3).

On the 12<sup>th</sup> of July 2006, listed building consent was granted (reference 2006/1758/L) for the erection of a single storey conservatory to the rear ground floor level of the existing flat.

On the 12<sup>th</sup> of July 2006, planning permission was granted (reference 2006/1757/P) for the erection of a single storey conservatory to the rear ground floor level of the existing flat.

On the 16<sup>th</sup> of September 2004, listed building consent was refused (reference 2003/1594/L) for the conversion of the loft to provide additional habitable accommodation for the second floor flat, including internal alterations and installation of 3 rooflights in the rear roof slope and 2 rooflights in the side roof slope.

On the 16<sup>th</sup> of September 2004, planning permission was refused (reference 2003/1594/L) for the conversion of the loft to provide additional habitable accommodation for the second floor flat, including internal alterations and installation of 3 rooflights in the rear roof slope and 2 rooflights in the side roof slope.

In April 1991, planning permission (reference 9100418) was granted for the change of use of and extension to the garage to provide a two-bedroom house.

In May 1956, planning permission (reference AR/TP.79332.NW) was granted for alterations and for the conversion of the property into six self-contained flats.

## **APPENDIX 2: RELEVANT DEVELOPMENT PLAN POLICIES**

### London Plan (2021)

GG6: Increasing efficiency and resilience  
D1: London's form, character and capacity for growth  
D3: Delivering Good Design  
D6: Housing Quality and Standards  
D7: Accessible Housing  
D10: Basement Development  
D13: Agent of Change  
D12: Fire Safety  
HC1: Heritage Conservation Area and Growth  
G7: Trees and Woodlands  
SI2: Minimising Greenhouse Gas Emissions  
SI13: Sustainable Drainage  
T4: Assessing and Mitigating Transport Impacts  
T5: Cycle Parking  
T6.1: Residential Parking  
T7: Deliveries, servicing and construction

### Local Plan (2017)

G1: Delivery and location of growth  
DM1: Delivery and monitoring  
A1: Managing the impact of development  
A4: Noise and vibration  
A5: Basements  
D1: Design  
D2: Heritage  
T1: Prioritising walking, cycling and public transport  
T2: Car free development

### Redington and Frognaal Neighbourhood Plan (2020)

SD2: Redington Frognaal conservation area  
SD4: Sustainable development and Redington Frognaal character  
BGI2: Tree planning and preservation  
UD1: Underground development

### Supplementary Planning Guidance Documents

Basements (2021)  
Design (2021)  
Amenity (2021)

Home Improvements (2021)

Transport (2021)

Redington and Froggnal Conservation Area Appraisal (2022)

### **APPENDIX 3: 14 TEMPLEWOOD AVENUE LIST DESCRIPTION**

*“CAMDEN TQ2586SE TEMPLEWOOD AVENUE 798-1/15/1602 (South East side) No.14 GV II Large detached house. 1910-11. By CHB Quennell. Red brick with full height brick pilasters to angles supporting a moulded brick cornice and 4 to central bay. Tiled hipped roofs with dormers and tall brick slab chimney-stacks. Symmetrical free Baroque design. 2 storeys and attics. Windows read 3:2:3:2:3. Central entrance bay and outer bays project. All windows are flush framed sashes with exposed boxing and gauged brick flat arches except the central 1st floor and central ground-floor which are round-arched to give Venetian window effect. Distyle-in-antis pedimented portico flanked by oculi. 1st floor has 2 narrow sashes flanking a round-arched sash the head of which breaks into the brick pediment carried on pilasters; windows with shaped brick aprons. INTERIOR: not inspected”*