

Application ref: 2023/3626/P
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Date: 10 July 2024

Development Management
Regeneration and Planning
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Gerald Eve LLP
One Fitzroy
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W1T 3JJ
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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:
82 Fitzjohn's Avenue
London
NW3 6NP

Proposal:

Variation of conditions 2 (approved drawings) and 4 (tree protection details) and approval of condition 6 (landscaping details) of planning permission 2021/1787/P granted 12/01/2022 for alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof and creation of sunken terrace, removal of existing pool house and erection of new orangery involving basement excavation for new pool, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees; namely, amendments to proposed garage, changes to landscaping and driveway, removal of consented shed, changes to tree protection method and removal of additional trees. Drawing Nos: Existing drawings: A-PL-00-000, A-PL-00-100, A-PL-00-101, A-PL-00-102, A-PL-00-103, A-PL-00-104, A-PL-00-105, A-PL-00-106 rev C, A-PL-00-107, A-PL-00-108, 496.PL.001.

Proposed drawings: A-PL-00-300 Rev A , A-PL-00-301 Rev B , A-PL-00-302 Rev A , A-PL-00-304 Rev D , A-PL-00-308 , A-PL-00-310 rev A (Proposed Elevations), A-PL-00-311 Rev D , A-PL-00-312 Rev A , A-PL-00-321 Rev A , A-PL-00-322 rev B , A-PL-00-310 (Proposed Typical Window Details), 484.PL.101 Rev A, 496.PL.102 Rev A, 496.PL.103 Rev A, SK170227, 496.PL.002, 496.PL.003, 496.PL.004, 496.PL.005, 496.PL.006

Comparison drawings: A-PL-00-350 , A-PL-00-401, A-PL-00-402, A-PL-00-404, A-PL-00-405, A-PL-00-407, A-PL-00-410 rev C, A-PL-00-411 rev A, A-PL-00-412 rev B, A-PL-00-413, A-PL-00-414 rev C, A-PL-00-415 , A-PL-00-416 , A-PL-00-501, A-PL-00-502, A-PL-00-503, A-PL-00-504, A-PL-00-505.

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 by or before 12/01/2025.

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:

Existing drawings: A-PL-00-000, A-PL-00-100, A-PL-00-101, A-PL-00-102, A-PL-00-103, A-PL-00-104, A-PL-00-105, A-PL-00-106 rev C, A-PL-00-107, A-PL-00-108, 496.PL.001.

Proposed drawings: A-PL-00-300 Rev A , A-PL-00-301 Rev B , A-PL-00-302 Rev A , A-PL-00-304 Rev D , A-PL-00-308 , A-PL-00-310 rev A (Proposed Elevations), A-PL-00-311 Rev D , A-PL-00-312 Rev A , A-PL-00-321 Rev A , A-PL-00-322 rev B , A-PL-00-310 (Proposed Typical Window Details), 484.PL.101 Rev A, 496.PL.102 Rev A, 496.PL.103 Rev A, SK170227, 496.PL.002, 496.PL.003, 496.PL.004, 496.PL.005, 496.PL.006

Comparison drawings: A-PL-00-350 , A-PL-00-401, A-PL-00-402, A-PL-00-404, A-PL-00-405, A-PL-00-407, A-PL-00-410 rev C, A-PL-00-411 rev A, A-PL-00-412 rev B, A-PL-00-413, A-PL-00-414 rev C, A-PL-00-415 , A-PL-00-416 , A-PL-00-501, A-PL-00-502, A-PL-00-503, A-PL-00-504, A-PL-00-505.

Documents: Design and Access Statement dated April 2021, Design and Access Statement dated October 2023, Heritage assessment dated March 2021, letter from Gerald Eve dated 13 April 2021, letter from Gerald Eve dated 10 October 2023, Whole life carbon assessment rev A dated 01/04/2021, Thermal comfort analysis rev A dated 01/04/2021, Energy and Sustainability Statement rev A dated 01/04/2021, Photographic survey dated February 2021, Cellweb TRP Installation guide, Plant Schedule prepared by Jinny Blom rev 03/08/2023, File note prepared by Tree Frontiers dated 21/06/2023, Arboricultural Impact Statement prepared by Tree Frontiers dated 15/08/2023, 5 Year Landscape Maintenance Plan prepared by Jinny Blom dated 11/07/2023

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 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with the Arboricultural Impact Statement by Tree Frontiers dated 15/08/2023 and the File Note prepared by Tree Frontiers dated 21/06/2023. The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

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 and policies NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 5 The pool house living roof shall be fully implemented in accordance with the details previously approved under ref 2023/1575/P on 30/05/2023, or with other such details as submitted to and approved in writing by the Local Planning Authority, and retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2, NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 6 Hard and soft landscaping shall be fully implemented in accordance with the details referenced under condition 2 of planning permission 2023/3626/P, or with other such details as 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, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2, NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 7 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any newly planted 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 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, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2, NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 8 Harrison Shortt Structural Engineers 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. 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 commencement of development. 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 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

- 9 The basement development shall be completed in accordance with Ground Investigation & Basement Impact Assessment Report (BIA) by GEA Ltd, Ref J20158, Rev 5, dated 1 November 2021 and Structural Report by Harrison Shortt, Ref 2092-BIA-Revisions D and E, dated April 2021 (submitted July and August 2021 respectively), and the recommendations made in Campbell Reith's Basement Impact Assessment Audit rev F1 dated 02/12/2021.

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 and policy BA1 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 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.

- 2 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).
- 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 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.

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