

London Office:

80-83 Long Lane

London, EC1A 9ET

25th October 2024

Via email only

Dear Sir/Madam,

S73 PLANNING APPLICATION – THE TOWN & COUNTRY PLANNING ACT 1990

5 ERSKINE MEWS, LONDON, NW3 3AP

VARIATION OF CONDITION 2 (APPROVED PLANS) TO PERMISSION REF: 2024/1102/P DATED 02/10/2024.

Please accept this covering letter as an accompaniment to this application submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). A minor material amendment is sought to vary condition 2 (approved plans) to planning permission ref: 2024/1102/P for 'Erection of a roof extension with roof terrace and extension into courtyard space'. This letter provides a summary of the site and the proposals.

Please also find enclosed a completed application form, full set of existing and proposed plans including site location plan, Design and Access Statement, and a Draft Construction Management Plan.

The Site & Surroundings:

The site is accessed from the south side of Erskine Road and comprises a mews development of five two-storey homes in active, and private residential use. This proposal relates only to No.5 Erskine Mews which lies to the north side of the site. The mews is gated and cannot be seen from the public realm but is contemporary in appearance with the inward facing properties presenting largely brick elevations punctuated by front doors and small rectangular windows. The site comprises communal car parking and refuse storage.

The site is located outside of, but immediately adjacent to the Primrose Hill Conservation Area to the north and east, and a locally listed terrace (1-29 Ainger Road) to the west. Approximately 23 metres to the south of the site is a Grade II listed terrace (9-14 Chamberlain Street).

The predominant land use in the immediate surroundings is residential and there is also an eclectic range of commercial uses over the wider surroundings.

The site is located in an area with a PTAL Rating of 3. The site is located within flood zone 1 and has a low probability of flooding.

Relevant Planning History:

A planning application was submitted **(2021/2411/P)** on the 15th June 2021 for the erection of single storey roof extension to five dwellings at 1-5 Erskine Mews to provide additional living accommodation. The Local Planning Authority resolved to grant permission subject to a S106 legal agreement.

On the 7th July 2023 planning permission was granted **(2022/2230/P)** at Nos. 1, 2, 3 and 5 Erskine Mews for the erection of single storey roof extension across 1, 2, 3 and 5 Erskine Mews to provide additional living accommodation. The application was identical to the previous application (2021/2411/P) recommended for approval, other than the fact that the roof extension to 4 Erskine Mews was omitted from the proposed development.

A planning application was submitted **(2023/3068/P)** at no.5 Erskine Mews for the erection of roof extension with roof terrace and extension into courtyard space. The application was recommended for approval (subject to section 106 legal agreement). The application was similar to the previously approved scheme under reference 2022/2230/P but related only to no.5 Erskine Mews. It should also be noted that the approved scheme was amended during the course of the application to address case officer feedback. Please refer to pages 6-7 of the Design and Access Statement which provides more details of how the application evolved.

Most recently, planning permission was granted on 2nd October 2024 at no.5 Erskine Mews **(2024/1102/P)** for 'Erection of a roof extension with roof terrace and extension into courtyard space'.

Proposal:

This application seeks a minor material amendment to planning permission ref: 2024/1102/P to amend the approved plans (condition 2) to make changes to the approved roof design.

Condition 2 states:

The development hereby permitted shall be carried out in accordance with the following approved plans: 106/001; 100; 101; 103; 104; 105; 106; 107; 108; 200; 201; 202; 203; 204; 205; 206; 207; 208; 700; 701 & Daylight and Sunlight Report (dated 17/04/2024) by Right of Light Consulting.

Reason: For the avoidance of doubt and in the interest of proper planning.

The main changes proposed would include an altered roof to the north facing side elevation (including dormer windows) and a green roof to the elevation facing Ainger Road.

The proposed amendments are as follows:

- Two dormers to the mansard roof extension on the North Elevation.
- Differing roof slope angle to the roof on the North Elevation, to allow for adequate internal floor to ceiling heights.
- Green roof to the sloped roof facing Ainger Road.

The proposed roof extension maintains approximately 2870mm from the eaves to the top of the roof, the same as the previous scheme. Given the relatively small nature of the changes it is considered that the proposed amendments should be considered favourably as the overall scale, massing and resulting neighbour impacts is negligible when compared to the approved scheme.

For further details please refer to the supporting plans and heritage assessment submitted with the application.

Procedural Assessment:

Guidance/Legislation:

In order to introduce greater flexibility, the General Development Procedure Order allows applications for 'minor material changes' to be made to modify a development after planning permission has been granted. This flexibility was achieved by making changes to Section 73 of 1990 Act, which allows changes to conditions applying to existing permissions, effectively varying the permission.

There is no statutory definition for a 'minor material amendment' however government guidance advises that:

'A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved.'

In relation to the determination of applications, the guidance advises that, by definition, the development will have been judged to be acceptable in principle at an earlier date. The application should be determined in accordance with the development plan and other material considerations but local planning authorities should focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

Planning permission 2024/1102/P:

Application reference 2024/1102/P was granted planning permission on 2nd October 2024. The permission is extant and the scope to amend the permission via S73 of the Town and Country Planning Act therefore applies.

Planning Assessment:

Design and heritage impact

Policy D1 of the Camden Local Plan (CLP) requires development to be of the highest architectural and urban design quality, have particular regard to design and visual impact and to the context within which it is placed, and the contribution it makes to the landscape qualities of the area. The aim of this policy is further reflected in the 'Design' Camden Planning Guidance (CPG). Specific guidance in relation to extensions to existing properties, including roof alterations, is also provided in the 'Home Improvements' CPG.

CLP Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and Listed Buildings.

The principle of the roof extension has already been established by the previous consented permission and therefore the key matters for consideration relate to the revised roof design to include side facing dormers and a green roof to the sloped roof facing Ainger Road.

The proposed dormers/revised roof design have been designed with limited changes to the mass and form of the roof extension and such that the dormers will appear subservient to the roof extension and will appear as a sensitive addition to the property. Overall, the dormers will not alter the principle of the overall scale, form and massing of the approved roof form and would be acceptable in terms of design and appearance to the property and its surroundings. There are multiple examples of roof dormers along Erskine Road, Ainger Road as well as Regents Park Road, many of which are of a much larger scale, and so the addition of dormers would be entirely in keeping with examples of neighbouring built form.

Turning to the proposed green roof to the roof slope (north west) facing Ainger Road properties, the consented scheme includes a green roof across the extent of the roof extension which was supported both on design and sustainability grounds. As such, this small section of roof to be finished further with a green roof would be in keeping with the overall design and character of the consented scheme, which will also soften its appearance from neighbouring properties whilst providing valuable habitats to promote biodiversity. The provision of a green roof also has significant environmental sustainability benefits, by helping to cool the local microclimate and in playing a vital role in slowing the speed at which rainwater enters the drainage network.

Amenity Impact

CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Further guidance is provided in 'Amenity' CPG.

The proposed north facing dormer windows (one of which serves a dressing room) will achieve a suitable distance from the rear of 2 and 3 Erskine Road to avoid overlooking. In addition, this north facing elevation already contains a first floor bedroom window and therefore the relationship between this elevation and the neighbours at 2 and 3 Erskine Road, in terms of privacy, will not change.

The proposed amendment to the roof form and new green roof facing Ainger Road properties will not materially alter the scale, massing and design of the roof form, which combined with the existing physical separation of the existing property from the neighbouring properties, will ensure the proposed amendments will not have an adverse impact on neighbours in terms of outlook and daylight/sunlight. The previous application was supported by a daylight and sunlight report demonstrating acceptable impacts on neighbouring properties. Therefore, in view that the roof form of this pre-application proposal is not significantly different from the approved scheme of 2024/1102, daylight/sunlight impacts will continue to be acceptable.

For the reasons outlined above the proposal will not cause harm to the amenity to residential properties in terms of overbearing impact, a loss of daylight/sunlight or loss of privacy.

Summary:

The proposed amendments are minor by their very nature and therefore fall to be considered as minor material amendments to the original grant of planning permission.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it and to this effect, in order to accommodate the amendments referred above, it is requested that condition 2 of the original permission be varied accordingly.

I trust the commentary above is clear but if you require any points of clarification or have any questions, please do not hesitate to contact me.

Yours faithfully

Stuart Minty
Director
SM Planning