

Application ref: 2020/2172/P
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Date: 22 October 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Savills
33 Margaret Street
London
W1G 0JD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**39a Fitzjohn's Avenue
London
NW3 5JT**

Proposal:

Demolition of 3-storey link block and detachment with 39 Fitzjohn's Avenue and retention as a single family dwellinghouse , various minor external alterations and associated landscaping. Erection of timber refuse and cycle storage shed to rear.

Drawing Nos: Existing: 3169A_001A, 3169A_002, 3169A_003, 3169A_004, 3169A_005, 3169A_006, 3169A_007, 3169_011B, 3169_012B

Demolition: 3169A_103, 3169A_104, 3169A_105, 3169A_106, 3169A_107

Proposed: 3169A_050, P1, 3169A_053 A, 3169A_054, 3169A_055, 3169A_056, 3169_070, 3169AD-A Statement

Reports: Planning Statement prepared by Savills May 2020, Technical Note 1
Highways Technical Note prepared by Motion April 2020

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 not later than the end of three years from the date of this permission.

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: 3169A_001A, 3169A_002, 3169A_003, 3169A_004, 3169A_005, 3169A_006, 3169A_007, 3169_011B, 3169_012B

Demolition: 3169A_103, 3169A_104, 3169A_105, 3169A_106, 3169A_107

Proposed: 3169A_050, P1, 3169A_053 A, 3169A_054, 3169A_055, 3169A_056, 3169_070, 3169AD-A Statement

Reports: Planning Statement prepared by Savills May 2020, Technical Note 1 Highways Technical Note prepared by Motion April 2020

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the tree protection plan by David Clarke Chartered Landscape Architect and Consultant Arboriculturist drawing no: CPTPP/39FAL/010 B2 dated June 2020. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details.

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 Camden Local Plan.

- 5 Prior to the occupation of the development, cycle storage areas for 4 cycles and waste storage facilities shall be provided in accordance drawing nos. 3169A_75 & 3169A_53 Rev A in their entirety, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking and waste storage facilities shall be provided with the requirements of policies D1

and T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The principle of the development is acceptable. There would be no net loss of residential dwellings and no significant loss of residential floorspace from what is a large dwelling. The proposal would separate a particularly large single-family dwelling into two separate sites. The subject site would remain a large 12-bedroom single-family dwelling. The remainder of the building would be converted into 35 residential flats (see application ref: 2020/2169/P).

The proposal is acceptable in terms of design and impact on the character and appearance of the conservation area. The link structure being removed is a non-original feature and would see the original building at No 39 Fitzjohn's Avenue (adjoining site) return to a footprint which better resembles its original state. The subject building and separated plot would also sit at a more comfortable scale in relation to the existing residential buildings throughout the surrounding area. The proposed landscaping alterations, which sees a 12-space hard-paved car park and a tennis court replaced with soft landscaped gardens (with 3 parking spaces) is an improvement which enhances the character and appearance of the conservation area and also brings biodiversity and flood risk benefits.

The proposed bin and bike stores are acceptable and an appropriate scale and materiality which would complement their garden setting. They would also be sited to the rear of the site, not forming a visually obtrusive feature in the street scene.

There would be no detrimental impact to residential amenity and no increase in scale or change in the character of the use.

The submitted tree protection plan, reviewed by the Council's tree officer, ensures that all significant trees on-site would be retained and protected in accordance with BS5837:2012.

The proposal would reduce the existing off-street parking spaces from 12 to 3. The proposal is to be car capped at 3 off-street spaces with on-street parking permit rights removed, reducing parking pressure and reliance on motor vehicles. Sufficient covered and secure cycle parking has also been provided.

One objection was received from the Belsize Society, however, the basis of the objection is not a material consideration relating to the proposal. The objection is to a hypothetical situation (potential for the site to be used as a House in Multiple Occupation). This is not being proposed and if the applicant were to convert the site into a House in Multiple Occupation, then this would be subject to an enforcement investigation.

The planning history of the area and relevant appeal decisions were taken into

account when coming to this decision. Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposal is in general accordance with the development plan, with particular regard to policies H1, H3, D1, D2, A1, A2, A3, T1 and T2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and National Planning Policy Framework 2021.

- 2 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.
- 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 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).

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

A handwritten signature in black ink, appearing to read 'DP', is positioned above the typed name.

Daniel Pope
Chief Planning Officer