

London Borough of Camden  
Planning Department  
5 Pancras Square  
London  
N1C 4AG

**Date:** 18 November 2024  
**Our ref:** 60656/01/NG/33090594v1

To Whom It May Concern

## **Applications under Section 73 of the Town and Country Planning Act 1990 and Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Non Material Amendment**

On behalf of Jaga Developments (London) Ltd, please find enclosed a Section 73 application and Section 19 application to vary Condition 2 of the extant planning permission and listed building consent at the site at 17 Lyndhurst Gardens, NW3 5NU.

This application seeks permission for amendments to the approved scheme design under planning permission ref: 2019/6151/P (amended by ref: 2023/0625/P). A corresponding submission has also been made via Section 19 of Listed Buildings and Conservation Areas Act 1990 to secure the amendments to the Listed Building Consent Ref: 2023/0605/L.

A non-material amendment (NMA) application has also been submitted at the same time to amend the approved description of development on the extant planning permission ref: 2019/6151/P (amended by ref: 2023/0625/P).

We have submitted these applications via the Planning Portal (Ref: PP-13557676 – s73, PP-13557684 – NMA and PP-13557784 – LBC) and includes the following information:

- 1 Completed planning application, non-material amendment and listed building consent application forms and relevant certificates;
- 2 Completed CIL Additional Information Form;
- 3 Application Drawings prepared by Bowker Sadler - A drawing schedule is attached in Annex 1;
- 4 Design and Access Statement prepared by Bowker Sadler (Revision A);
- 5 Heritage Impact Assessment prepared by Lichfields;
- 6 Landscape Report prepared by Bowles & Wyer (Revision A);
- 7 Energy and Sustainability Assessment prepared by Scotch Partners (Revision 03); and

8 Arboricultural Impact Assessment prepared by Landmark Trees (Revision 02f).

## **The Site**

The site is known as The Hoo and is located at 17 Lyndhurst Gardens, NW3 5NU in the London Borough of Camden. The Hoo is a Grade II listed building and is located within Fitzjohns Netherhall Conservation Area. The building was designed by Horace Field and built in 1889-90 in the Arts and Crafts style, constructed in red brick with a tile hung upper storey.

17 Lyndhurst Gardens is situated on the west side of Lyndhurst Gardens, with its principal 'garden front' facing south and a secondary elevation facing east, set back from the street behind a boundary wall and hedges.

The site is located within Flood Zone 1 (i.e. least probability of flooding) and has a Public Transport Access Level (PTAL) of 3 on a scale of 0-6, with level 6 representing the most accessible sites.

## **Relevant Planning History**

A planning and listed building consent application was submitted to London Borough of Camden in November 2019 for the conversion of the existing building to residential use. Full planning permission (ref: 2019/6151/P) was granted on 29 September 2021 for:

*“Change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 1 x 5 bedroom unit, 1 x 5 bedroom unit and 1 x 4 bedroom unit, internal alterations, external alterations including a new glass link element and lowering of basement level, hard and soft landscaping including the removal of 10 trees, a summer house with internal cycling parking, a bin store, a cycle store and other associated works.”*

Listed building consent was also granted on 29 September 2021 (ref: 2019/6305/L) for:

*“Internal alterations associated with the change of use to 3 x residential dwellings, external alterations including a new glass link element and lowering of basement level, hard and soft landscaping including a summer house with internal cycling parking, a bin store, a cycle store and other associated works.”*

The planning permission and listed building consent were implemented on the 27<sup>th</sup> November 2023.

A non-material amendment application to the above permission and new Listed Building Consent were granted on 21<sup>st</sup> June 2023 (ref: 2023/0625/P and ref: 2023/0605/L) for:

*“Amendments (Changes to windows, rooflights, internal layout and areas of demolition within the Annexe; changes to the structure of the Link building and its roof pergola, addition of a canopy and rearrangement of internal spaces; widened internal openings in the main house; re-routing and partial removal of rainwater pipe to east elevation of the Lodge and relocation of internal cylinder cupboard; minor changes to services; and other minor changes) to planning permission 2019/6151/P and listed building consent 2019/6305/L”.*

A further non-material amendment application was also granted on 7<sup>th</sup> August 2023 for the “changes to the trigger for condition 9 (landscaping details) and 11 (green roof details)) to planning permission

2019/6151/P”. This allowed the details relating to these conditions to be submitted prior to practical completion of the approved development.

A s73 application and new listed building consent application was approved on 29<sup>th</sup> November 2023 and 14<sup>th</sup> December 2023 for the “*variation of condition 2 (approved drawings) of 2019/6151/P and 2019/6305/L granted 29/09/2021; namely, addition of two dormers to roof of Annexe building*”. As a result of this current s73 planning application and LBC being submitted, this s73 planning permission and LBC (refs: 2023/1434/P and 2023/1424/L) is not being implemented by the Applicant and the approved dormers have been removed from the scheme and are not incorporated into the proposed drawings.

Separately, planning permission and listed building consent was also granted on 18 January 2023 (ref: 2022/5064/P and ref: 2022/5448/L) for:

*“Removal of the existing canopy and erection of replacement porch on the eastern elevation.”*

A planning and listed building consent application was also approved on 22<sup>nd</sup> May 2023 for the replacement of the southern boundary wall (2023/0033/P and 2023/0084/L) and a planning and listed building consent application was approved on 11<sup>th</sup> August 2023 for stabilising works to the northern boundary wall (refs: 2023/2522/P & 2023/2539/L).

## **Proposed Works**

As part of the design development process, the proposals seek to provide a revised approach to the existing Link building which simplifies the approved scheme and re-uses extensive parts of the existing structure and building fabric which can be serviced more simply and constructed using less complicated building processes. Despite the majority of modifications located within the footprint of the Link, a number of changes to the adjoining structures are also required, whilst wider supplementary improvements have also been provided to the approved scheme.

We set out below the proposed works to be approved under the Minor Material Amendment application in each area of the approved scheme. For completeness, this includes all amendments required to the listed building. A corresponding application has been submitted to vary the listed building consent (Ref: 2023/0605/L).

- 1 Reduced demolition, excavation and underpinning in relation to the 2023 approved scheme.
- 2 Existing Link building retained and refurbished:
  - Existing flat roof and rooflight is removed and replaced with new providing significantly improved thermal performance;
  - Existing single glazing and timber framing to the Link is replaced with double glazed windows in a powder coated aluminium frame, colour bronze (exact specification to be agreed); and,
  - Enlarged lower ground floor is omitted, with just utility, bathroom and storage proposed.
- 3 Main House and Lodge:
  - Existing bay window is no longer to be demolished and is retained;
  - Alteration of an existing ground floor window to remove modern panel and provide historically accurate casement (for fire escape purposes);
  - Minor alterations to internal openings and ventilation;

- The opening into the Link is returned to its existing width.

#### 4 Annex:

- Minor internal layout changes;
- Approved external staircase leading to lightwell at rear of annexe simplified and returned through 90 degrees;
- Excavations are greatly reduced and limited to forming a light well at the lower ground floor level;
- Roof top dormers constructed to house additional plant to service the Link, and forming plenum boxes, with associated enabling works and demolitions within the roof space are no longer required. Instead, the smaller Link is heated by domestic hot water systems and cooled through natural ventilation.
- Remodelling of east gable end of annexe no longer required to accommodate Link proposals;
- Demolitions to former parapet to resolve junction between Link and annexe no longer required;
- Green roof is omitted from flat roof to reveal weatherproof single ply polymeric roof membrane. Roof has restricted access for maintenance only;
- Glass guarding at perimeter is omitted;
- Existing tiling to be retained, repaired and refurbished;
- Window ALG.Wo4 is removed as previously approved, however revised proposals reveal the opening. External face of masonry is to be formed in brickwork to match.

#### 5 Landscaping:

- Landscaping adjacent to the Link building is largely retained in form, with revised materials proposed. The design is modified and simplified in relation to the 2023 approved scheme. The landscaping proposals to the rear of the Link are omitted.
- The upper external terrace to the south elevation extends to the full width of the Link and is reduced in depth with soft landscaping replacing what was a previously approved larger terrace. The terraced stair accessing the Link building is reduced in width, simplified and comprises a floating stair finished in York stone paving;
- Minor adjustment to the retaining element of the northwest side access;
- Change of hard surface to soft landscape in the southwest corner of the annex garden;
- Re-direction of Link footpath to lower ground floor level. Revised layout to deal with the change of use;
- Additional pleached tree screening to southern boundary;
- Change of hard surface to soft landscape next to Eastern visitor entrance; and
- Adjustment of lodge garden to realign with building façade.

Further information on the proposed changes can be found within the Design and Access Statement produced by Bowker Sadler Architecture and Landscape Report prepared by Bowles & Wyer, submitted as part of this application.

## **Planning Policy**

In accordance with paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004, regard should be given to the development plan for the determination of planning applications, unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF, 2023) sets out the Government's planning policies for England.

The statutory development plan for the application site comprises:

- The London Plan (2021);
- Camden Local Plan (2017); and
- London Borough of Camden Policies Map (2021).

The heritage statutory tests for the proposal are s.16 (2), s.66 (1) and s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').

## **Principle of Development**

The principle of the residential use is supported by the granting of planning permission as part of the extant consent for the site. This s73, and associated LBC application, seeks to facilitate minor changes, primarily to the Link building, which will allow the approved development to be built out and contribute to the Council's and London's housing supply, in accordance with the London Plan and local planning policy.

Furthermore, as noted in the original application, the Hoo building was originally designed as residential property. These amendments continue to support the change of use from Class D1 Use to Class C3 Use and would return the listed building back to its original use.

## **Other Considerations**

### **Heritage**

A Heritage Impact Assessment has been submitted alongside this application which provides an assessment of the impact of the proposed revisions upon the relevant heritage assets. It considers the revised proposal against current heritage statute, policy and guidance and confirms that that no additional harm arises to The Hoo as a result of the scheme changes.

As previously concluded, overall, the proposal would result in the enhancement of the significance and special architectural and historic interest of the building, with enhancements to the setting of the listed building helping to better reveal its significance as a Domestic Revival residence set within a leafy suburb of London. The consented scheme and the proposed amendments would continue to preserve the significance and special interest of the listed building and the character and appearance of the Fitzjohns/Netherhall conservation area.

In summary, the proposals accord with planning and heritage policies contained within the NPPF and the statutory development plan policies and section 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 can be met.

### **Energy and Sustainability**

In line with the approved scheme, due to the technical and physical constraints imposed by refurbishment schemes in listed buildings, together with the small scale of the different construction

elements, specific sustainability and energy standards and targets have been identified as part of the proposed scheme. A revised Energy and Sustainability Assessment has been submitted alongside this application and demonstrates that the existing property will be refurbished to provide homes that are resource efficient and sustainable, whilst giving due consideration to the Grade II listed status.

This includes the reduction in energy demand and CO<sub>2</sub> emissions, minimising water use; no net gain in peak surface water runoff from that of the existing development, neutral impact on biodiversity, increase in urban greening, design for resilience to future climate impacts, responsible use of materials, promotion of sustainable travel and responsible construction practices.

To note, the revised proposals for the Link provide a significant improvement compared to the approved scheme as they seek to re-use as much of the existing building as practicable. This includes the retention of existing floors and external walls and interventions to replace the flat roof and glazed structures to significantly upgrade their thermal performance. Single glazed doors and windows are proposed to be removed for double glazed powder coated aluminium replacements. Floors levels are also proposed to be adapted to allow for the insertion of thermal insulation between the heated realm at ground floor level and the unheated spaces below.

As such, it is considered the proposals at The Hoo represent sustainable development and remains in accordance with adopted local and regional planning policy for a development of this scale.

### **Trees and Landscaping**

The comprehensive Landscape Document and Masterplan have been updated by Bowles & Wyer and are re-submitted as part of this application. This confirms that the approved landscape proposals are mostly unaltered compared to the approved scheme and have been adjusted to reflect the amendments to the Link building. The revised landscaping proposals also aim to retain, or increase where possible, the soft landscaping compared to the approved scheme.

In general, the proposals maintain a high-quality landscape, as achieved in the approved scheme, which contributes to the visual amenity of the area.

In addition to the Landscape Masterplan, the Arboricultural Impact Assessment (AIA) has been revised by Landmark Trees and submitted as part of this application. The report concludes that there would be no discernible change in impacts from the approved scheme, with no further canopy cover lost and Root Protection Area (RPA) encroachments remaining similar or no less than those previously approved.

The proposed changes do not result in any further loss of existing trees as approved in the extant consent and additional tree planting has been proposed for the southern boundary.

As noted in the original AIA, the report re-outlines a series of recommendations prior and during construction that will ensure impacts to trees are minimised. The AIA concludes that the proposals, through following the report recommendations, are acceptable and will have no, or very limited, impact on the existing trees.

### **Non Material Amendment Application**

To facilitate the proposed changes discussed above, it is proposed to amend the approved description of development from application ref: 2019/6151/P as follows:

*“Change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 1 x 5 bedroom unit, 1 x 5 bedroom unit and 1 x 4 bedroom unit, internal alterations, external alterations including ~~an upgraded link element~~ ~~new glass link element~~ ~~and lowering of basement level~~, hard and soft landscaping ~~including the removal of 10 trees~~, a summer house with internal cycling parking, a bin store, a cycle store and other associated works”.*

It is noted that this would not significantly impact the approved development and a non-material amendment application has therefore been submitted as the mechanism to secure this change. This has only been submitted for the planning permission as it is noted that the approval of a Section 19 application would provide a new listed building consent with its own description of development.

## **Concluding Remarks**

Overall, the proposals comply with the local and regional planning policy requirements.

The Council’s design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Local Plan Policy D1 (Design) requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area.

The proposed changes to the approved scheme design respects the local context and character and preserves and enhances the historic environment and heritage assets in accordance with Policy D2 (Heritage). Therefore, it is considered the scheme complies with Local Plan Policy D1 and London Plan Policy HC1.

The proposals will result in minor changes and improvements to the extant planning permission. We therefore request that Condition 2 of planning permission Ref: 2019/6151/P, amended by 2023/0625/P is amended to reflect the updated drawing references listed in Appendix 1 of this letter. In addition, Condition 2 of 2023/0605/L should also be updated in line with these drawing changes (covered by separate submission).

We trust that you have sufficient information to validate and determine this application within the statutory timescales and will contact you shortly to confirm this.

In the meantime, should you require any further information, please do not hesitate to contact me or my colleague Neil Goldsmith ([neil.goldsmith@lichfields.uk](mailto:neil.goldsmith@lichfields.uk)).

Yours faithfully



**Ollie Collins**

Senior Planner

BSc (Hons) MSc MRTPI

## Annex 1: Schedule of Drawings

| Drawing Title   | Approved Drawing Ref | Drawing Title   | Proposed Drawing Ref |
|---|----------------------|---|----------------------|
| Lower Ground Floor Layout Plan                          | 1120 rev F           | Lower Ground Floor Layout Plan                          | 1120 rev M           |
| Ground Floor Layout Plan                                | 1121 rev G           | Ground Floor Layout Plan                                | 1121 rev L           |
| First Floor Layout Plan                                 | 1122 rev F           | First Floor Layout Plan                                 | 1122 rev L           |
| Second Floor Layout Plan                                | 1123 rev F           | Second Floor Layout Plan                                | 1123 rev L           |
| Roof Layout Plan  | 1124 rev F           | Roof Layout Plan  | 1124 rev L           |
| South and East Elevations                               | 1140 rev F           | South and East Elevations                               | 1140 rev L           |
| North and West Elevations                               | 1141 rev F           | North and West Elevations                               | 1141 rev L           |
| Sections AA and BB                                      | 1150 rev F           | Sections AA and BB                                      | 1150 rev L           |
| Sections CC and EE                                      | 1151 rev F           | Sections CC and EE                                      | 1151 rev L           |
| Sections AA   | 3601 rev C           | Sections AA   | 3601 rev Co3         |
| Sections BB   | 3602 rev C           | Sections BB   | 3602 rev Co3         |
| Sections EE   | 3605 rev C           | Sections EE   | 3605 rev Co3         |
| Sections GG   | 3607 rev C           | Now shown on revised Sections BB drawing                | 3602 rev Co3         |
| Landscape Masterplan                                    | 2568-11-P01C         | Landscape Masterplan                                    | 2568-11-01-PL04      |
| L1.02 Bedroom 1 - Room Layout                           | 8000 L102 rev A      | L1.02 Bedroom 1 - Room Layout                           | 9000 L1.02 rev Co2   |
| Lo.08 Kitchen - Room Layout                             | 8000 Lo08 rev A      | Lo.08 Kitchen - Room Layout                             | 9000 Lo.08 rev Co1   |
| Lo.03 Dining Room -Room Layout                          | 8000 Lo03 rev A      | Lo.03 Dining Room -Room Layout                          | 9000 Lo.03 rev Co2   |
| Lo.02 Sitting Room - Room Layout                        | 8000 Lo02 rev A      | Lo.02 Sitting Room - Room Layout                        | 9000 Lo.02 rev Co2   |
| Lodge Stone and Brick Repairs South and East Elevations | 3011 rev B           | Lodge Stone and Brick Repairs South and East Elevations | 3011 rev F           |
| Lodge Stone and Brick Repairs North and West Elevations | 3012 rev B           | Lodge Stone and Brick Repairs North and West Elevations | 3012 rev F           |

| Drawing Title   | Approved Drawing Ref | Drawing Title   | Proposed Drawing Ref   |
|---|----------------------|---|--|
| Lodge Stone and Brick Repairs Sections AA and BB  | 3013 rev B           | Lodge Stone and Brick Repairs Sections AA and BB  | 3013 rev F   |
| Lodge Stone and Brick Repairs Sections CC, DD and EE  | 3014 rev B           | Lodge Stone and Brick Repairs Sections CC, DD and EE  | 3014 rev F   |
| Drainage and Services Lower Ground Floor Layout   | 4500 rev B           | Integrated into Lower Ground Floor Layout Plan  | N/A  |
| Drainage and Services Ground Floor Layout   | 4501 rev B           | Integrated into Ground Floor Layout Plan  | N/A  |
| Drainage and Services First Floor Layout  | 4502 rev B           | Integrated into First Floor Layout Plan   | N/A  |
| Drainage and Services Second Floor Layout   | 4503 rev B           | Integrated into Second Floor Layout Plan  | N/A  |
| Drainage and Services Roof Layout   | 4504 rev B           | Integrated into Roof Layout Plan  | N/A  |
| Drawings which discharged Condition 4(f) of LBC ref: 2023/0625/P now updated with revised layout. |                      | Main House Public Health Drainage Services Ground Floor Layout<br>Sprinkler Layout Ground Floor Residential High Flow Design<br>Sprinkler Layout First Floor Residential High Flow Design | 5243-SP-MH-00-DR-P-410 rev C04<br>TFS-RS-10057-0L002 rev A09<br>TFS-RS-10057-0L012 rev A09 |