

Application ref: 2024/4492/P
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Date: 23 December 2024

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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

Flat 1st Floor
32 Mazenod Avenue
London
NW6 4LR

Proposal:

Variation of condition 2 (approved plans) of planning permission 2024/2914/P dated 30/08/2024 (Replacement of first floor and second floor windows to the rear elevation and side elevation and installation of a first floor window to the side elevation.), namely to enlarge windows to the side elevation on the first and second floor.

Drawing Nos:

Location plan; PP-01; PP-02; PP-03; PP-04, PP-05; PP-06; PP-07; PP-01 Rev A; PP-02 Rev A; PP-03 Rev A; PP-04 Rev A; PP-05 Rev A; PP-06 Rev A; PP-07 Rev A.

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 no later than the end of three years from the date of the original planning permission ref 2024/2914/P dated 30/08/2024.

Reason: To comply with the provisions of Sections 73 and 91 of the Town and

Country Planning Act 1990 (as amended).

- 2 For the purposes of this decision, Condition 2 of Planning Permission 2024/2914/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan; PP-01; PP-02 Rev A; PP-03; PP-04 Rev A; PP-05 Rev A; PP-06 Rev A; PP-07 Rev A.

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 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The application seeks permission for variation of condition 2 (approved plans) of planning permission 2024/2914/P dated 30/08/2024 (Replacement of first floor and second floor windows to the rear elevation and side elevation and installation of a first floor window to the side elevation.), namely to enlarge windows to the side elevation on the first and second floor. The application building is not listed and does not lie within any conservation area.

The proposed enlarged side windows on the first and second floor will have the same style as the other existing windows on this elevation, which are two-over-two vertical sliding sash windows. These would complement the appearance of the existing building and would be positioned such that they respect the existing glazing hierarchy and match the proportions and alignment of the other windows. Overall, the proposal is considered acceptable and would not detract from the appearance and character of the host dwelling and the surrounding development.

In terms of amenity impact, the proposed enlarged side windows are not considered to cause any undue increase in overlooking to the neighbour at No.30 as a number of side windows already exist within the rear outrigger facing this neighbour. As noted in the parent permission, there is already a degree of mutual overlooking due to the positioning of the two rear returns and their existing side windows, and the enlarged windows would not introduce any new opportunities for overlooking that do not already exist, so therefore would not be unacceptable. Given the nature and the scale of the proposed work, there would be no adverse impacts on the amenity of adjoining residential occupiers in terms of loss of light or outlook. Therefore, the amenity impact

resulting from the proposal would be acceptable.

No objections have been received following statutory consultation. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1 and D1 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2024.

- 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 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.
- 4 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.

- 5 Biodiversity Net Gain (BNG) Informative (1/2):
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

6 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

+ The effect of section 73(2D) of the Town and Country Planning Act 1990:

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

+ Phased development:

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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 'DPope', written in a cursive style.

Daniel Pope
Chief Planning Officer