

Planning and Borough Development
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Date: 05 February 2025

Our ref: NTH/CHST/HDA/U0013857

Your ref: PP-13717974

Dear Sir / Madam

82 Fitzjohn's Avenue, London, NW3 6NP

Town and Country Planning Act 1990 (as amended)
Non-Material Amendment Application pursuant to Condition 2 of Full Planning Permission (ref. 2023/4543/P)

We write on behalf of our client, Mr Ross ('the Applicant'), to enclose a Non-Material Amendment application in respect of the above permission in order to secure the relocation of the approved plant enclosure and equipment within the Applicant's rear garden.

The Site

The Site, comprising a residential home, is situated to the rear of 84 Fitzjohn's Avenue.

The Site is located within the Fitzjohn's and Netherhall Conservation Area and within the Hampstead Neighbourhood Plan Area.

Planning History

The relevant planning history to which this request relates is set out below for ease of reference.

Reference	Development	Status	Notes
<u>82 Fitzjohn's Avenue</u>			
2019/4229/P	Erection of two storey side, front and rear extensions, replacement pool house, and associated works	Approved 04 Oct 2019	This permission was not implemented.
2021/1394/P	Alterations and extensions including erection of 2 storey extensions, increased ridge height, alterations to fenestration, erection of dormer windows to roof	Approved 01 June 2021	This permission was not implemented.

	and creation of sunken terrace, removal of existing pool house and erection of new orangery, and other associated works; hard and soft landscaping including replacement sheds and garage and removal of trees		
2021/1787/P	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	Approved 12 Jan 2022	This was the extant permission which is being built out on site (in addition to the subsequently approved amendment applications set out below) which was updated via Section 73 application (ref. 2023/3626/P) below.
2022/0190/P	Dismantling of the existing boundary wall for site access and construction purposes in association with development at 82 Fitzjohn's Avenue and like for like reconstruction following completion of works.	Approved 23 May 2022	This was a standalone application to enable the works approved above to be built out.
2022/5132/P	Amendments to Full Planning Permission (ref. 2021/1787/P), namely the addition of a low boundary wall and minor extension of the consented hermitage in the northeast corner.	Approved 13 Dec 2022	Non-Material Amendment
2023/1829/P	Amendments to Full Planning Permission (ref. 2021/1787/P), namely the	Approved 15 June 2023	Non-Material Amendment

alteration and enlargement of the approved dormer to the southeastern corner and replacement of existing rooflights, changes to the second floor window and roof design over the spiral stair on the northeastern elevation and a change to the design of the second floor window to the southeastern elevation.

2023/3626/P

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.

Approved 10 July 2024

As agreed with Officers prior to submission, this Section 73 application picked up both amendments to the permission i.e., removal of additional trees, and the details of the hard and soft landscaping required to be submitted pursuant to Condition 6 attached to Full Planning Permission (ref. 2021/1787/P). This permission is now the extant permission.

2023/4543/P	Erection of a greenhouse, installation of 3 x ASHPs (1x ASHP within the garden and 2 x ASHP at roof of existing dwelling), a generator and associated acoustic enclosures.	Approved 20 Aug 2024	This is a standalone application for plant equipment. It is this permission which is sought to be amended by this application.
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Proposed Development

As a result of further detailed design development, it is proposed to amend the works approved under Full Planning Permission (ref. 2023/4543/P) in order to remove the approved generator from the scope of works and relocate the plant enclosure from the southern boundary of the garden into a dedicated plant area away from the public walkway.

The proposed adjustments have been considered by the Applicant in the context of wider proposed adjustments to the approved landscaping scheme at the Site, which are subject to separate applications. The proposed adjustments are shown on the plans submitted in support of this application to provide context for information purposes only, but it is understood that only the works sought under this application would be approved.

An updated Plant Noise Impact Assessment has been undertaken by the Environmental Equipment Corporation Ltd which demonstrates that the relevant noise criteria are anticipated to be met at all assessment locations during both day and night-time periods, assuming, the proposed noise control scheme is included in the installation. Assessing the site in accordance with the national and local planning policy has shown that predicted noise levels for the normal use plant would be below the level at which no effects are observed to occur, the NOEL ('No Observed Effect Level'). The proposed plant equipment complies with the relevant regional and local requirements in respect of noise and is therefore acceptable in principle. The specification of the plant equipment is submitted in support of this application for completeness.

From a design and heritage perspective, the proposed plant enclosure is much reduced in height compared to the approved garage and as a result of its relocation away from the boundary with the public walkway, the proposed plant enclosure will not be visible from the public realm, thereby protecting the character of the surrounding Conservation Area. This is clearly demonstrated on the Sightlines Comparison Section plan (ref. LA-046-010 Rev A).

It is further considered that the removal of the generator from the scope of works and the proposed increase in distance between the plant enclosure are improvements on the approved position.

It is therefore proposed to update Condition 2 attached to Full Planning Permission (ref. 2023/4543/P) as follows:

“The development hereby permitted shall be carried out in accordance with the following approved plans- A-PL-00-000; ~~A-PL-00-300;~~ ~~A-PL-00-301;~~ ~~A-PL-00305;~~ ~~A-PL-00-407;~~ ~~496.PL.201~~, LA-046-008 no Rev, LA-046-009 no Rev, LA-046-010 Rev A and LA-046-001 Rev A).”

Pre-Application Discussions

A Pre-Application Meeting was held with the Camden Case Officer and Design Officer on Thursday 16 January 2025. Officers were comfortable with the proposed adjustments in principle and agreed that the changes could be dealt with through a Non-Material Amendment application.

Documentation

On the basis of the above, and in addition to this cover letter, the following documentation is submitted in support of this application:

- Application Forms (ref. PP-13717974), prepared by Newmark Gerald Eve LLP;
- Comparison Plan Garage and Plant Room (ref. LA-046-008 no Rev);
- Comparison Section Garage and Plant Room (ref. LA-046-009 no Rev);
- Comparison Sight Line Sections (ref. LA_046_010 Rev A);
- Plant Equipment Specification (ref. PURY-P550YNW-A);
- Plant Noise Impact Assessment;
- Proposed General Arrangement Plan (ref. LA-046-001 Rev A); and
- Site Location Plan (ref. A-PL-00-000).

The requisite fee of £43.00 has been paid concurrently to the submission of this application.

We trust that the above is acceptable for the purposes of the registration and validation of this application and look forward to confirmation of receipt and validation in due course. Please do not hesitate to contact Chloe Staddon (0203 486 3417) or Hannah Davies (0207 333 6221) of this office should you have any questions in the meantime.

Yours faithfully,

Newmark Gerald Eve LLP

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