

London Office:
80-83 Long Lane
London, EC1A 9ET

6 March 2025

Via email only

Dear Sir/Madam,

MINOR-MINOR AMENDMENT APPLICATION – SECTION 73 OF THE TOWN & COUNTRY PLANNING ACT 1990.

MINOR- MATERIAL AMENDMENT TO PLANNING PERMISSION 2023/0696/P – FOR THE ERECTION OF OUTBUILDING IN REAR GARDEN.

133 KING HENRY'S ROAD, PRIMROSE HILL, NW3 3RD.

Please accept this covering letter as an accompaniment to this minor-material amendment application in relation to planning permission ref: 2023/0696/P at 133 King Henry's Road ('the site') submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

For avoidance of doubt, the applicant seeks to alter the as approved plans associated with the original permission. To assist the council in their consideration of the proposed amendments, please refer to the updated drawings which have been submitted in support of the application.

The Site & Surroundings:

The site is located in the London Borough of Camden, on the south side of King Henry's Road in the Elsworth Road Conservation Area (sub area two: King Henry's Road), where the property is identified as a positive contributor within the local area. The site comprises of an unlisted four-storey detached dwelling, which has been subdivided to accommodate four self-contained units. In this given context, this application relates to the lower ground floor flat, which has sole access to the extensive rear garden area.

The surrounding location of King Henry's Road comprises of properties of similar architectural compositions and heights which provides a uniformed streetscape, consisting of large semi-detached dwellings of yellow London stock brick and timber windows, with contrasting colours of bring to create strong courses and quoins.

Relevant Planning History:

On the 22nd March 2024, planning permission was granted (2023/5117/P) for the erection of a single storey rear extension at lower ground floor, new windows to front and side elevation and new front door.

On the 4th April 2023, planning permission was granted (2023/0696/P) for the erection of outbuilding in the rear garden.

On the 3rd September 2008, planning permission was granted (2008/2889/P) for the replacement of window at rear upper ground floor level with French doors and creation of new balcony with metal railings at same level supported on two metal poles in connection with existing flat.

On the 8th July 2005, planning permission was granted (2005/1614/P) for the retention of external storage unit in front garden for electric wheelchair for disables person.

The Proposal:

This application seeks a minor material amendment to full planning permission ref:2023/0696/P to vary the approved plans.

The proposed amendments to the approved plans include:

1. Consented Siberian larch timber cladding proposed to be black pigmented/charred timber as vertical fins.
2. Glazed sliding doors on front elevation from one to two glazed sliding doors on either side of a central pier.

Legislation/Guidance:

Section 73 of the Town and Country Planning Act 1990 (as amended) allows applications for material amendments to existing planning permission by varying or removing conditions associated with the permission.

In accordance with Section 38(6) the Planning and Compulsory Purchase Act 2004, the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPG confirms a section 73 application can be used to make a material amendment to an extant permission, and any permissions granted under the section will take effect as a new, independent permission to carry out the same development as previously permitted.

Planning Policy & Guidance:

National Planning Policy Framework (2024)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development which incorporates three specific strands – economic, environmental and social.

The following sections of the NPPF are most relevant to the consideration of this application:

- Section 12 (Achieving well-designed and beautiful places)
- Section 16 (Conserving and enhancing the historic environment)

Development Plan

The adopted Development Plan for the London Borough of Camden comprises the London Plan (2021) and the Camden Local Plan (2017).

Camden's Planning Guidance (CPG's) and Conservation Area Appraisals provide advice and information on how the council will apply the development plan policies and manage development within conservation areas, which can be material considerations in planning decisions.

London Plan (2021) ('LP')

- Policy D3 – Optimising site capacity through the design-led approach
- Policy D4 – Delivering good design
- Policy HC1 – Heritage conservation and growth

Camden Local Plan (2017) ('CLP')

- Policy A3 – Biodiversity
- Policy D1- Design
- Policy D2 – Heritage

Camden's Planning Guidance ('CPG')

- Housing (2021)
- Amenity (2021)
- Design (2021)
- Home Improvements (2021)
- Trees (2019)
- Elsworthy Conservation Area Appraisal (2009)

Planning Assessment:

Design and Heritage:

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 outbuildings, 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.

This proposal seeks to minimally alter the façade composition of the outbuilding in the private rear garden of the garden floor flat at 133 King Henry's Road, which is set back from the front elevation thereby limited in visual impact. The design changes are modest, seeking to adapt the timber cladding colour and the consented sliding doors from one large opening to two smaller openings with a central pier.

The exterior façade of the outbuilding maintains the use of the approved material, Siberian Larch timber, but adapts the colour from the original golden brown to a black pigmented/charred timber. The black pigmented/charred timber would respect the integrity of the host dwelling and the surrounding landscape, with the darker tone providing a subtle contrast to the rear fencing, enhancing the overall architectural composition without appearing overbearing. As a result, the proposed changes will improve the exterior appearance of the outbuilding, in a sympathetic manner, particularly as the outbuilding would not be visible from public vantage points in any event.

The modification of the fenestration seeks to replace a single large sliding door (initially intended to span the majority of the width of the outbuilding's front elevation) with two smaller panels and a central pier, providing a symmetrical composition. This minor change would have a minor material impact upon the external appearance of the outbuilding from that of the approved scheme and seeks no additional openings on alternative elevations of the building.

For the avoidance of any doubt, the scale, massing, positioning, green roof and materials of the consented outbuilding are all retained. The proposed changes are minor in nature and would have a minimal material impact upon the character and appearance of the host building or conservation area. In this context, the outbuilding is not readily visible from public vantage points due to its siting in the private rear garden of the host site, and therefore the adaptation to the exterior façade would minimally alter the character of the host site and wider conservation area.

Neighbour Amenity:

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.

By virtue of the size, scale and nature of the proposed minor material amendments will have no overbearing impacts or result in a loss of daylight/sunlight or privacy to neighbours. The adaption of the timber façade colour as well as the installation of two sliding doors with a central pillar will improve the outlook from private vantage points. The proposed alterations to the glazed sliding doors do not involve creating any new openings on the side or rear elevations, ensuring that there will be no adverse impact upon neighbouring amenity with regard to privacy. Through its considered design and high-quality materials, the proposal will upgrade and improve the amenity of the property without resulting in a detrimental impact on the property, or the amenity of other properties. Overall, the proposed works are considered to have an acceptable impact of neighbouring amenity.

Tree Impacts:

Policy A3 of the Camden Local Plan sets out that the Council will protect and enhance sites of nature conservation and biodiversity, as well as seek to secure additional trees and vegetation. It further requires trees and vegetation which are to be retained to be satisfactorily protected during the construction phase of development.

There are several established, mature trees towards the end of the garden and around the garden's borders which are detailed in full in the Arboricultural Impact Assessment, submitted with the original application. The proposed adaptations to the outbuilding seek no further implications to be made against the existing trees or shrubs which are established within the boundaries of the site, and therefore the proposal remains compliant with the Local Plan policy A3.

Summary:

As demonstrated within this letter, the proposed amendments to the approved plans subject of permission ref: 2023/0696/P, together with the proposed external materials would preserve and enhance the character and appearance of the existing building and wider conservation area. The proposed amendments to the approved plans would have no adverse impact upon neighbour amenity.

Yours faithfully

Ian Pickup
Associate
SM Planning