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London  
N14 7DY

Application Ref: **2013/4900/P**  
Please ask for: **Gideon Whittingham**  
Telephone: 020 7974 **5180**

4 October 2013

Dear Sir/Madam

### **DECISION**

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990  
(as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition J.2 of Schedule 2 Part 3 Class J of the Town and Country  
Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362  
and SI 2013 No. 1101)

Certificate of Lawfulness (Proposed) Prior Approval refused

The Council, as local planning authority, hereby confirm that their **prior approval is refused** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

#### **Address of the proposed development:**

**45 Holmes Road  
London  
NW5 3AN**

#### **Description of the proposed development:**

Change of use of the ground floor from offices (Class B1a) to 1 x 2 bedroom flat (Class C3).



**Information that the developer provided to the local planning authority:**

Drawing Nos: Ordinance Survey Plan, 101 Rev A.

**Reason for refusal:**

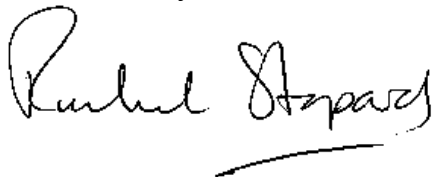
- 1 The property falls under use Class B8 of Use Class Order 1987 (Amendment) and therefore does not benefit from permitted development rights under Class J1 (b) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 2 In the absence of an agreed s106 planning obligation, suitable mitigation measures are not secured to mediate against the additional parking stress and congestion on the local highway network as a result of the development and therefore it fails to comply with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

**Informative(s):**

- 1 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal No.2 could be overcome by entering into an agreed Section 106 Legal Agreement for a scheme that in all other respects was acceptable.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully



Rachel Stopard  
Director of Culture & Environment

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