

Planning Services  
Camden Town Hall  
Argyle Street  
London WC1H 8EQ

Email (enquiries only): env.devcon@camden.gov.uk  
Telephone : 020 7974 1911  
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For office use  
Date  
Payee  
App. No.

Fee

**Application for removal or variation of a condition following grant of  
planning permission. Town and Country Planning Act 1990.  
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.  
If you require any further clarification, please contact the Authority's planning department.

**1. Applicant Name, Address and Contact Details**

Title:	Mr	First name:	Tanya	Surname:	Segatchian		
Company name:							
Street address:	50 Primrose Hill			Country Code:	National Number:	Extension Number:	
				Telephone number:			
				Mobile number:			
Town/City:	London			Fax number:			
County:				Email address:			
Country:	England						
Postcode:	NW3 3AA						
Are you an agent acting on behalf of the applicant?				<input checked="" type="radio"/> Yes <input type="radio"/> No			

**2. Agent Name, Address and Contact Details**

Title:	Mr	First Name:	Patrick	Surname:	Gilmartin		
Company name:	Woollacott Gilmartin Architects						
Street address:	48 (b)			Country Code:	National Number:	Extension Number:	
	Netherhall Gardens			Telephone number:			
	Hampstead			Mobile number:	07891 264 889		
Town/City:	London			Fax number:			
County:	Greater London			Email address:			
Country:	United Kingdom						
Postcode:	NW3 5RG			wgarchitects@mac.com			

### 3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:	<input type="text" value="17"/>	Suffix:	<input type="text"/>
House name:	<input type="text"/>		
Street address:	<input type="text" value="HOLLY MOUNT"/>		
Town/City:	<input type="text" value="LONDON"/>		
County:	<input type="text"/>		
Postcode:	<input type="text" value="NW3 6SG"/>		

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:	<input type="text" value="526343"/>
Northing:	<input type="text" value="185863"/>

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:					
Title:	<input type="text" value="Mr"/>	First name:	<input type="text" value="David"/>	Surname:	<input type="text" value="Peres da Costa"/>
Reference:	<input type="text" value="EN10/1045"/>				
Date (DD/MM/YYYY):	<input type="text" value="04/01/2011"/>	(Must be pre-application submission)			

Details of the pre-application advice received:

For clarification I note that the letter referred to was written with regards to a "Possible Breach of Planning Control." It states: "Details of complaint A screen has been erected to the roof terrace. Details were not submitted as required by condition 3 of 2008/5176/P." The screen referred to in the letter and which has been erected is to the opposite side of the terrace and is not related to Condition 3. Following receipt of the letter I spoke to Mr Peres da Costa and arranged a site visit. He inspected 17 Holly Mount and amongst other matters we discussed Condition 3 of the Planning Application. I pointed that overlooking of the habitable room at 18 Holly Mount through the rooflight was not possible from the newly formed terrace at 17 Holly Mount. Mr Peres da Costa said that we should submit argument explaining that overlooking was not possible and requesting that the condition be removed.

### 5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Removal of Condition 3  
The condition calls for the formation of a 1.8 m tall timber screen to prevent the overlooking of a rooflight to a habitable room at 18 Holly Mount from the newly formed raised ground floor level terrace of 17 Holly Mount.  
The new terrace has now been built and overlooking of the rooflight is not possible.

Application reference number:	<input type="text" value="2008/5176/P"/>	Date of decision:	<input type="text" value="11/12/2008"/>
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Please state the condition number(s) to which this application relates:

Condition number(s):	<input type="text" value="Condition 3"/>
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Has the development already started?  Yes  No If Yes, please state when the development was started:

Has the development been completed?  Yes  No

## 6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

Condition 3 was attached to the planning approval because of concern that overlooking of the adjacent habitable room at 18 Holly Mount might occur from the newly formed raised ground floor terrace to the rear of 17 Holly Mount.

The terrace is now complete and overlooking does not occur.

(Note: The development is substantially complete, but the kitchen is not yet installed and final building control approval has not been granted). The house is not yet occupied and the terrace is not in use.

Please see the attached photographs taken from the corner of the terrace closest to the rooflight. These photos were taken at 1.7 m (eye level) and at 2.2 m.

The photo taken at eye level (1.7 m above the terrace) demonstrates that overlooking is not possible from the "worst case" vantage point (ie. A tall person standing at the corner of the terrace closest to the rooflight). Overlooking does not occur because the sight line into the room from the terrace is eclipsed by the angle of the view and the depth of the internal reveal to the roof light and the depth of the surrounding roof construction.

The photo taken at 2.2 m (half a metre above the eye level of a tall person), demonstrates that even at this very high and inaccessible level only a very narrow view into the space might be possible.

We note that it was not possible to survey the area in question because it is inaccessible and outside the demise of 17 Holly Mount. The area and issues involved are however easily viewed from the terrace if necessary a visit by a planning officer can be arranged by contacting the agent, Patrick Gilmartin (0207 431 9983/ wgarchitects@mac.com).

We note that the reason for the condition is detailed under item 2.4 in the Officer Delegated Report. It states:

"2.4 To the north of the site there are no windows at equal or higher level than the terrace. There is however, a rooflight to the property at number 18a Holly Mount below at an approximate distance of 5m away. The occupant of this property has objected to the scheme on the basis of overlooking and loss of privacy to the bedroom which the rooflight serves. The applicants have suggested that the rooflight will not be visible from the terrace: this would appear to be the case across the majority of the area of the terrace. However, views from the northern most edge may be possible. If planning permission is to be approved it is therefore recommended that details of a 1.8m privacy screen be submitted to and approved by the Council. Once approved, the screen should be installed prior to commencement of use of the terrace and permanently retained thereafter to prevent a loss of amenity to this neighbour."

The following is an extract from the Decision Notice which details condition 3: "3

A 1.8 metre high screen, details of which shall have been submitted to and approved by the Council, shall be erected to the north side of the terrace prior to commencement of use of the roof terrace and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies S1/ S2 and SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006"

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

We wish to have Condition 3 removed.

## 7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

## 8. Certificates (Certificate A)

### Certificate of Ownership - Certificate A

#### Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title:  First name:  Surname:

Person role:  Declaration date:   Declaration made

## 8. Certificates (Agricultural Land Declaration)

### Agricultural Land Declaration

#### Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

Agricultural Land Declaration - You Must Complete Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding.

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

If any part of the land is an agricultural holding, of which the applicant is the sole tenant, the applicant should complete part (B) of the form by writing 'sole tenant - not applicable' in the first column of the table below

Title:  First Name:  Surname:

Person role:  Declaration date:   Declaration Made

## 9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Date: