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Date 10 July 2015
Our ref 14277/SSL/9300538v1
Your ref 2012/1680/P
Portal ref PP-04333520

Dear Sir / Madam

48 Elsworthy Road, London NW3 3BU

Section 96a application for non-material amendment to planning permission dated 21 May 2012 (LBC Ref: 2012/1680/P as amended by 2015/0476/P)

Nathaniel Lichfield & Partners (NLP) is submitting an application under S96a of the Town and Country Planning Act 1990 for non-material amendments a householder planning permission granted by the Council in 2012. The applications are submitted on behalf of the owner of the house Elsworthy Estates Ltd.

This application has been submitted via the Planning Portal (ref. PP-04333520) and comprises:

- 1 Completed non-material amendment application form;
- 2 Covering letter (this letter);
- 3 Location Plan ref. 14/0296/001;
- 4 Substitute amended plans, sections and elevations as listed in the table below.

A cheque for £28 made payable to London Borough of Camden is enclosed with a hard copy of this letter sent in the post.

Background and Relevant Planning History

The application property is a detached two storey dwelling house, with accommodation in the roof, which is located within the Elsworthy Road Conservation Area (CA).

The previous owner of the house secured planning permission and a Lawful Development Certificate in respect of three extensions at basement level which the new owner will implement. This non-material amendment relates to the rear part of the basement which was permitted on 21 May 2012.



2012 Rear Basement Permission (2012/1680/P)

On 21 May 2012, full planning permission (FPP) (householder) was granted for:

"Excavation of basement with rear lightwell and glass balcony over at rear ground floor level as well as associated landscaping of rear garden all in connection with existing dwelling (Class C3)"

The permitted basement is to be located beneath the rear of the house and garden, and measures approximately 161 sq.m.

A number of conditions were imposed on the permission, including 'pre-commencement' conditions:

- 4: requiring appointment of a suitably qualified chartered engineer to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works;
- 5: requiring details of hard and soft landscaping works and means of enclosure; and
- 6: requiring evidence of tree protection measures.

The details required by these conditions were approved by the Council on 21 May 2015 (ref: 2015/0476/P). Following the Council's approval of these details development was commenced on 21 May 2015.

This permission has been the subject of a previous minor alteration via a S96a (non-material amendment) which was approved on 12 May 2015 (ref: 2015/2116/P). The application was for changes to the rear basement internal layout and the location of openings to other parts of the permitted basement.

Proposed Amendments

This application enables further minor changes to be made to the approved scheme which, when taken as a whole, are non-material in planning terms. The minor changes to the approved scheme comprise modifications to the courtyard glazing to provide black framed "Crittall" windows and the replacement of the proposed northern wall of the courtyard with an acoustic louver. Please note that this is an internal courtyard and the glazing and louver would not be seen from any public viewpoints or any other buildings.

These changes comprise a non-material amendment to the existing FPP which should be regularised under S96a based on the following considerations:

- 1 There is no change to the permitted use as a single dwelling house or any change to the FPP description of development, and all of the conditions imposed remain relevant.
- 2 The modified courtyard glazing and Louver would not be visible from the street or any other public views, or from any other property. As such this change is arguably 'de-minimus'.
- 3 The changes do not alter the external appearance of the building in the views from public places or other buildings, and would have no material effect on the character and appearance of the conservation area or on the area generally.

The proposed changes are shown on the revised drawings outlined in the table below. We have also submitted copies of the previously approved drawings for ease of reference.



Approved Drawing refs.	Revised Drawing refs.
14/0296/47 rev 01 – Proposed Rear Basement Plan	14/0296/47 Rev 02 – Proposed Rear Basement Plan
14/0296/71 rev 01 – Proposed Rear Elevation	14/0296/71 Rev 02 – Proposed Rear Elevation
14/0296/51 rev 00 – Proposed Section B	14/0296/51 Rev 01 – Proposed Section B

Concluding Remarks

We trust that we have provided sufficient information for the Council to approve this non-material amendment application, however, if any additional information is required, please do not hesitate to contact me or Daniel Di-Lieto.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brendan Hodges', is written over a horizontal line.

Brendan Hodges
Associate Director