

Miss Emma Murray  
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N. Ireland

Application Ref: **2015/1800/P**  
Please ask for: **Shane O'Donnell**  
Telephone: 020 7974 **2944**

27 August 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted**

Address:  
**44 Frognal Lane**  
**London**  
**NW3 6PP**

Proposal:  
Variation of condition 2 (approved plans) of planning application 2014/1616/P dated 24/04/2014 (Conversion of single dwelling into two self contained dwellings..) namely to erect entrance gates on both the north and west boundary of the site including alterations to the boundary wall and letterbox, and erection of a freestanding condenser enclosure unit.

Drawing Nos: 02A,03A, 04A, 05, 06, 07, 08; Basement Impact Assessment GB/8600\_BIA\_Version 1.1 February 2014; Envirocheck Report Ref 51572152\_1\_1m, dated 05 December 2013, 1230 WD 306, 1230 WD 307, 5088/ME/0300, 5088/ME/0300, 1230/AP 01E, 1230/TS 01B, 1230 WD 301A, 1230 WD 301B, 1230 WD 302A, 1230 WD 304A. 1230/S59, 1230 SK 039, 1230/AP11, Acoustic Report.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):



- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 For the purpose of this decision, condition No.2 of planning permission 2014/1616/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans: 02A,03A, 04A, 05, 06, 07, 08; Basement Impact Assessment GB/8600\_BIA\_Version 1.1 February 2014; Envirocheck Report Ref 51572152\_1\_1m, dated 05 December 2013, 1230 WD 306, 1230 WD 307, 5088/ME/0300, 5088/ME/0300, 1230/AP 01E, 1230/TS 01B, 1230 WD 301A, 1230 WD 301B, 1230 WD 302A, 1230 WD 304A. 1230/S59, 1230 SK 039, 1230/AP11, Acoustic Report.

- 3 Reason: For the avoidance of doubt and in the interest of proper planning. Before the use commences, the air conditioning unit shall be provided with acoustic attenuation in accordance with the noise report hereby approved. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The proposed development shall be carried out in complete accordance with the hereby approved 'method for installing concrete base for Air Conditioning Unit

(ACU) dated June 2015 and the following proposed layout plan '1230 SK 039' and the digging of the hand dug trench is to be supervised by a qualified arboriculturalist. Relatedly, any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy

- 6 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 7 The basement structure shall be designed and constructed in accordance with the recommendations, methodologies and mitigation measures set out in the Basement Impact Assessment hereby approved. Any deviations from these methodologies, recommendations or mitigation measures shall be submitted to the local planning authority for approval in writing prior to the work commencing.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 8 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. It shall be a requirement of the terms of engagement that the appointee certifies compliance with condition 4 to the LPA. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

- 9 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 10 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14, CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposal is to make changes to planning permission 2014/1616/P by altering the boundary walls and gates and to erect a freestanding air conditioning unit in the rear garden. It is considered that the proposed changes are not out of character with the host dwelling, or with the Hampstead Conservation Area, or would result in a detrimental impact on neighbouring amenities.

Given the materials and designs, the proposed entrance gates on both the north and west boundaries and the proposed alterations to the boundary wall and letterbox would not be out of keeping with the design of the host building or out of

keeping with the surrounding streetscene or Hampstead Conservation Area. The proposed air conditioning unit would have an external metal finish and would be of sufficient size that it may detract from the generally soft and green nature of the rear amenity space. Hence, a wooden perimeter fence is to be erected around the proposed air conditioning unit to help soften the impact of the proposed air conditioning unit on its surroundings.

The development could have some negative impacts in terms of siting an AC unit in close proximity to neighbouring properties and involving the installation of underground cabling that may affect local tree roots. However a noise report has been submitted with the application and a condition will be placed on this decision requiring the noise levels emitting to be below Council thresholds and for mitigation measures to be in place prior to the use of the unit. Similarly, another condition will be placed on this decision requiring the proposed hand dug trench for the underground cables to be supervised by a qualified arboriculturalist. The proposed alterations to the boundary gates and walls will not have a detrimental impact on neighbouring amenities.

No objections have been received. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of The London Plan March 2015, consolidated with alterations since 2011; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior

approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson  
Director of Culture & Environment