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FAO: Mr. Charles Thuaire

Date 20 November 2015
Our ref 12766/02/SB/JLa/10194599v1
Your ref PP-04638576

Dear Mr. Thuaire

Application under Section 96A (Town and Country Planning Act 1990) for a non-material amendment, adding a rooftop satellite dish, to LPA ref. 2013/1342/P.

On behalf of our client, Mr. Vikrant Bhargava, please find enclosed an application (PP-04638576) for a non-material amendment to the above planning permission. The application is to amend planning permission ref. 2013/1342/P to allow the installation of a small satellite dish on the roof of the new house, which is currently under construction. Wolff Architects have prepared a drawing package which details the positioning of the proposed satellite dish atop the roof, it comprises the following:

- 1 Proposed Roof Plan, drawing ref. 1204-PL-205 rev D;
- 2 Proposed North Elevation, drawing ref. 1204-PL-213 rev C;
- 3 Proposed East Elevation, drawing ref. 1204-PL-214 rev C;
- 4 Proposed Sections A – A, drawing ref. 204-PL-221 rev C.

In respect of the application fee a cheque for £195.00 has been submitted under a separate cover, payable to "London Borough of Camden".

Background

On 19 January 2009 full planning permission was granted for

"Demolition of existing dwelling house and ancillary structures and erection of a new basement and 2 storey dwellinghouse with basement double garage, access ramp, and associated landscaping and vehicular access off North End Way" (LPA ref. 2008/0663/P).

This permission was then varied by two non-material amendments. On 18 September 2012, the Council granted a S96A Non Material Amendment to planning permission ref: 2008/0663/P, to add a new condition to ensure that the development is carried out in accordance with the approved



plans (ref: 2012/4397/P). On 23 November 2012 a second S96A Non Material Amendment to planning permission ref: 2008/0663/P was granted in order to delete the word “double” from the description of development (ref: 2012/5871/P).

On 21 May 2013 planning permission (LPA ref. 2013/1342/P) was granted for a Minor Material Amendment under S. 73 to vary the original permission (LPA ref. 2008/0663/P) as follows:

“Variation of condition 14 (development built in accordance with approved plans) of planning permission dated 19/01/2009 (ref 2008/0663/P) for erection of a new basement and 2 storey dwellinghouse (Class C3) with basement garage, access ramp, and associated landscaping and vehicular access off North End Way, as subsequently amended by Non- Material Amendments dated 18.9.12 (ref 2012/4397/P) and 23.11.12 (ref 2012/5871/P), involving revised elevations and roofplan and additional/alterd lower ground and basement floor accommodation to house.” (2013/1342/P).

As the S.73 amendment grants an alternative planning permission, the permission to which the development is currently being built out to, it is this planning permission (LPA ref. 2013/1342/P) which is the subject of the enclosed NMA application.

Satellite dishes (subject to relevant restrictions) may ordinarily be considered permitted development (PD) within Part 1 (Class H) in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, this PD right, amongst others, were removed by Condition 11 attached to LPA ref. 2008/0663/P. This condition was transposed onto LPA ref. 2013/1342/P by way of an informative. It is therefore necessary to obtain planning permission for the satellite dish.

Proposed Non-Material Amendment

An 80cm diameter satellite dish, 1 metre tall, is proposed to be installed on the roof. It would be located in the most inconspicuous position possible towards the northwest corner of the roof, approximately 6 metres from the northern parapet and 5 metres from the eastern parapet. The dish would be adjacent to a chimney. Dense woodland will restrict any views of the roofscape from the north of the site, to the east a tall wall and trees screen views from Spaniards Road. Furthermore, drawing ref. 204-PL-221 makes clear that from ground level the equipment will not be visible from the east, the parapet to which it is closest to.

Given that the satellite is some distance from the western parapet and directly behind a chimney block, it would not be seen from the west. It would be located approximately 12 metres from the southern parapet and will not be visible from ground level. The satellite would therefore not be visible from any of the surrounding area at ground level.

Assessment of the Proposed Non Material Amendment

Section 96A of the 1990 Town and Country Planning Act includes provision to make non material amendments to an existing planning permission. There is no statutory definition of ‘non-material’ instead, as Planning Practice Guidance makes clear, this “will be dependent on the context of the overall scheme” (Paragraph: 002 Reference ID: 17a-002-20140306).

Condition 11 (on ref. 2008/0663/P) restricting PD rights was imposed for the following reason:

“To safeguard the visual amenities of the area and to prevent over-development of the site by controlling proposed extensions and alterations in order to ensure compliance with the



requirements of policies SI/ S2, B1 and SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006.”

We have discussed this application with Mr. Thuairé who advised that in principle this proposed development could be dealt with as an NMA provided that LB Camden was satisfied the visual impact was considered non-material.

Due to the careful siting of the satellite dish it would not be visible from ground level. It would therefore not have any impact on the visual amenity of the area. Accordingly the proposed development is considered non-material and furthermore acceptable as it would preserve the Conservation Area.

Conclusion

In response to the requirements of the incoming homeowner a satellite dish is required. The dish is sensitively located so that it would not be visible in ground level views of the property. As the building is still under construction and the proposed amendments are minimal, having no impact on visual amenity it is considered that the application can be dealt with as a non-material amendment.

We trust you have sufficient information to determine this planning application, and in light of the above, we seek a favourable determination of this application within the statutory 28 day period. We will be in contact to discuss this shortly. In the interim, if you have any queries, or require any further information please contact me or my colleague Brendan Hodges.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Joe Larner'.

Joe Larner
Planner

Copy Mr. Louis King, Adair Associates