

Mr Ben Halevi  
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N3 1HF

Application Ref: **2014/4863/P**  
Please ask for: **David Peres Da Costa**  
Telephone: 020 7974 **5262**

17 December 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:  
**272 Finchley Road**  
**London**  
**NW3 7AA**

Proposal:  
Variation of condition 10 (approved plans) of planning permission 2009/1354/P dated 25/11/2009 (for erection of a detached house comprising of lower ground, ground and first floor with access from Finchley Road and one car parking space) and amended by planning permission 2015/2640/P dated 25/06/2015, namely excavation to side and rear elevations, and relocation of heat pump above ground level.

Drawing Nos:

Superseded: A-FR272-SC-: EL04C; EL03C; EL02B; EL05 D; PL00 C; EL01 B

Proposed: A-FR272-SC-: EL04D; EL03D; EL02C; EL05 D dated 29/7/15; PL00 D; EL01 C;  
Noise report prepared by Soundtesting dated 20th October 2014; A-FR11-LD70

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

Condition(s) and Reason(s):



- 1 For the purposes of this decision, condition 10 of planning permission 2009/1354/P shall be replaced with the following condition:

#### REPLACEMENT CONDITION 10

The development hereby permitted shall be carried out in accordance with the following approved plans: A-FR272-PL00 D; PL01 B; PL02 B; PL04; EX00; EL01 C; EL02C; EL03D; EL04D; EL05 D dated 29/7/15; ENV (Aug 09); Sustainable Construction Information; Covering Letter dated 19/12/08 From Geoffrey Bunyan; Design & Access Statement; Groundwater site investigation by Soil Environment Services Ltd dated May 2009, Acoustic report by Sharps Redmore Partnerships; Noise report prepared by Soundtesting dated 20th October 2014; A-FR11-LD70

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 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.

- 3 Before the use commences, the air source heat pump 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.

#### Informative(s):

- 1 Reasons for granting permission.

The detached house was not built according to the approved plans and so this application seeks retrospective consent for the changes which include excavation to the side and rear elevations, and relocation of heat pump above ground level (an

air source heat pump rather than a ground source heat pump).

Planning permission was granted 25/06/2015 for a non-material amendment of the original planning permission (ref: 2009/1354/P). The non-material amendment (ref: 2015/2640/P) consisted of the addition of a condition with the approved drawing numbers to the original 2009 planning permission. This application seeks to make a minor material amendment (by way of s73) to the approved scheme to regularise the development.

The location of air source heat pump adjacent to the boundary with 264 Finchley Road would be acceptable. The heat pump would be located behind a timber fence and so would not be easily visible. The heat pump measures 1.1m by 0.5m and would be 1.46m high. A noise report has been provided to support the application. The noise report indicates acoustic attenuation would be required. The noise report has been assessed by the environmental health team and is considered acceptable. A condition would be included to ensure the acoustic measures identified in the noise report are implemented. A condition would also be included on the decision to ensure the heat pump did not breach Camden's noise thresholds. The property has been constructed 1.47m away from the bank of land at the rear and 1.2m from the bank of land at the side (rather than being set into the bank as was approved). This additional excavation is considered minor and does not affect the overall appearance of the property or harm the appearance of its landscaping. As the original permission was subject to a legal agreement, a deed of variation would be required to ensure the description of development in the legal agreement would be accurate.

The planning and appeal history of the site has been taken into account when coming to this decision. One objection was received prior to making this decision and was duly taking into account.

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, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4 and 7.6 of the London Plan March 2015, consolidated with alterations since 2011; and paragraphs 14, 17, and 56-66 of the National Planning Policy Framework.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations where applicable as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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