

Mr Nigel Dexter  
Nigel Dexter  
Savills  
33 Margaret Street  
London W1G 0JD

Application Ref: **2015/6513/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 **4908**

3 February 2016

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:

**Linton House**  
**39-51 Highgate Road**  
**London NW5 1RT**

Proposal:

Variation of condition 2 (development in accordance with approved plans) of planning permission 2013/3494/P (granted on appeal under APP/X5210/A/13/2207697) dated 03/03/2014 (for an additional floor at roof level to provide 7 residential flats and a ground floor extension to provide an entrance, cycle and refuse storage), to allow the following-expansion of approved roof level extensions and raising the existing parapet of the building, amended mix of residential units to provide 1x1 bed, 3x2 bed and 3x3 bed units, external alterations at ground floor level, alterations to the roof level terraces, sedum roof and plant equipment, and the introduction of winter garden structures at roof level.

Drawing Nos: Approved Plans: (152)001 Rev P1; 125 Rev P7; 126 Rev P4; 301 Rev P4; 302 Rev P6; 303 Rev P6; SK80, Roof Landscape and Biodiversity by CSA dated July 2015; Design Statement 19th November 2015; Code for Sustainable Homes Pre-assessment (Job - 02640) by Synergy Rev A dated 13/03/2015 and Energy Assessment by Synergy Issue 3 dated 13/03/2015.

Superseded Plans: (152)110 P1; 111 P3; 112 P3; 200 P3; 311 P3; 312 P3; 313 P3; 320 P3.



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 no.2 of planning permission 2013/3494/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- location plan (unnumbered), (152)001 Rev P1; 005 P1; 010 P1; 011 P1; 031 P1; 032 P1; 033 P1; 125 Rev P7; 126 Rev P4; 301 Rev P4; 302 Rev P6; 303 Rev P6; SK80; Roof Landscape and Biodiversity by CSA dated July 2015; Design Statement 19th November 2015; Code for Sustainable Homes Pre-assessment (Job - 02640) by Synergy Rev A dated 13/03/2015 and Energy Assessment by Synergy Issue 3 dated 13/03/2015.

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

- 2 Prior to the first occupation of the building, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the first occupation of the building, an opaque film or covering shall be

applied to the glazing on the northern glazed panels to the winter gardens of units 506 and 507 and two the bays furthest north of the east elevation of unit 507 as per drawing number 152 126 P4. The implemented film or covering shall be retained permanently thereafter.

Reason: To reduce the prominence of winter gardens when internally lit at night and 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 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 Reasons for granting permission.

The proposed changes include the expansion of the approved roof level extensions under 2013/3494/P; an alteration to the housing mix, the raising of the parapet, alterations to the roof level terraces, sedum roof and plant equipment and external changes at ground floor level as approved under Minor Material Amendment application 2015/1627/P. Approved changes to use glazing and metal screening in place of brick on the southwest corner façade are also incorporated as approved under Non Material Amendment application 2015/6286/P. These works are considered non-material and have been included in this application to amalgamate the amendments. The additional changes proposed as part of this application are the introduction of winter garden structures at roof level.

The previously approved alterations at roof level (as approved under 2015/1627/P) were considered acceptable as the resulting roof extension would appear more centrally placed atop the host building, would maintain a large setback from the parapet of the building and would not be visually prominent from street level and wider views; the fenestration would align with the windows below and enforce the strong lines with the brick piers, and the external façade would be constructed out of lightweight materials. The total number of units would remain, the housing mix would be in accordance with policy DP5 and the internal floor areas would be increased therefore improving the quality of the living accommodation.

In addition to the above approved amendments, the proposal seeks to introduce winter garden structures at roof level by reducing the size of the approved roof terraces atop the new extension and enclosing them with glass. This would enhance the existing amenity space for the approved penthouse apartments. It is considered that the scale and robustness of the host building allows it to easily accommodate the proposed structures without overwhelming the architecture; this is particularly the case given the lightweight design and position of the enclosures. In terms of appearance, views from the south would be concealed from view by the new development at 19-37 Highgate Road and the enclosures would be set back 16m from the southern façade. No views of the building are possible from the west due to the railway line and typography of the land. Views from the east are limited by the narrowness of Highgate Road. Limited views might be possible from a small

section at the junction of Highgate Road and Burghley Road. However, the enclosures would be set back 6.3m from the eastern elevation and would therefore not be visually prominent.

- 2 (Reasons part 2) In longer views along Highgate Road from the north, the new enclosures are likely to be visible above the new extension. The enclosure would be positioned centrally and set back 7.5m from the main building line and cover roughly 35% of the roof. The top of the enclosures would be below the height of the existing antenna and 1.3m above the approved plant enclosures. Whilst the enclosures would be seen from this long view, it would not be detrimental to the appearance of the building compared to the existing antenna and the approved situation. There would be limited roof top views and it would only be seen from the north where the enclosure would appear as a lightweight addition which responds to the architecture hierarchy of the building and would sit inside and slightly above the approved plant enclosures. Therefore it is considered that the proposal would preserve the character and appearance of the area and building.

In order to reduce the potential prominence of the winter gardens at night by virtue of their illumination, a condition would be added to ensure that an opaque film or covering is permanently applied to the glazing on the northern glazed panels to the winter gardens of units 506 and 507 and two the bays furthest north of the east elevation of unit 507.

- 3 (Reasons part 3) Due to the scale and nature of the extensions and their relationship with adjacent properties, the proposal would not result in any additional impacts on residential amenity in comparison to the approved scheme. The enclosures would be located over existing roof terraces (which are being reduced in size) so would not increase overlooking. Due to the setback of the enclosures and their location on the roof, they would not result in any greater loss of light or outlook.

The amended scheme would be subject to the planning conditions and Section 106 obligations of the original approval under 2013/3494/P. These include a Construction Management Statement, sound insulation and attenuated ventilation details, samples of materials, details of the balustrades, cycle parking, noise levels from plant equipment, car-free units, a sustainability plan and the financial contributions (education and public open space).

Two objections have been received from local residents regarding rights to light, overlooking and noise disturbance. The objections have been given due consideration as part of assessing this scheme and coming to this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with policies CS5, CS6 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP24, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.3, 3.4, 3.5, 3.8, 7.4 and 7.6 of the London Plan March 2015, consolidated with alterations since 2011, and

paragraphs 14, 17, 56 -68 of the National Planning Policy Framework.

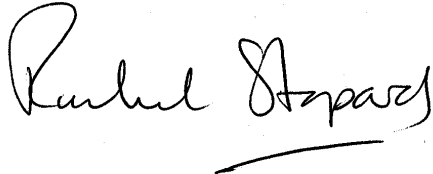
- 4 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings and conditions as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 5 It is noted that condition 8 of the original approval under 2013/3494/P and APP/X5210/A/13/2207697 requires details of Lifetime Homes to be submitted prior to the occupation of the new units. Lifetime Homes can no longer be assessed under planning legislation nor required by conditions; however, access standards under Part M of Building Regulations are applicable as the proposal is for new building residential development.

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 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard  
Director of Culture & Environment