

Mr. Chris Deeks
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Application Ref: **2015/6538/P**
Please ask for: **Zenab Haji-Ismail**
Telephone: 020 7974 **3270**

18 April 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:
**41 Frognal
London
NW3 6YD**

Proposal:

Variation of condition 3 (approved plans) of planning permission 2015/2026/P dated 02/11/2015 (for Part 2/part 3 storey rear and side extension including the excavation of a basement and the creation of an additional self-contained dwelling) namely alterations to fenestration and doors on the side and rear elevations, excavation of a further 0.5 metres, removal of external swimming pool and relocation of ventilation intakes and extract grilles.

Drawing Nos: Superseded: 14044-P090, 14044-P100, 14044-P110, 14044-P120, 14044-P310, 14044-P311, 14044-P312, 14044-P313.

Superseded supporting documents: Design and Access Statement (dated March 2015), KM Heritage- Heritage Statement (dated March 2015), DP9 Planning Statement (dated April 2015), Landmark Trees Arboricultural Assessment (dated March 2015), Sustainability and Energy Statement (dated March 2015), DSG Acoustic Report, and Construction Method Statement (dated March 2015).

Proposed: 14044-P090 Rev A, 14044-P100 Rev A, 14044-P101, 14044-P110 Rev A, 14044-P120 Rev A, 14044-P202, 14044-P310 Rev A, 14044-P311 Rev A, 14044-P312 Rev A and 14044-P313 Rev A



Supporting documents: Updated Design and Access Statement (November, 2015) prepared by KSR Architects; GIA Daylight and Sunlight Assessment (dated June 2015); DS2 Affordable Housing Statement (dated April 2015); Construction Management Plan (dated April 2015); Updated Structural Engineering Report and Subterranean Construction Method Statement (November, 2015) prepared by Elliott Wood; Updated Heritage Statement (November, 2015) KM Heritage; Updated Sustainability and Energy Statement (November, 2015) Integration; Motion Transport Statement (dated March 2015); Updated Acoustic Assessment (November, 2015) CSG Acoustics; Updated Basement Impact Assessment (November, 2015) GEA Limited; and Landmark Trees Arboricultural Assessment (dated March 2015).

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. 3 of planning permission 2015/2026/P dated 02/11/2015, shall be replaced with the following condition

REPLACEMENT CONDITION 3

The development hereby approved shall be carried out in accordance with the approved plans.

Superseded: 14044-P090, 14044-P100, 14044-P110, 14044-P120, 14044-P310, 14044-P311, 14044-P312, 14044-P313.

Superseded supporting documents: Design and Access Statement (dated March 2015), KM Heritage- Heritage Statement (dated March 2015), DP9 Planning Statement (dated April 2015), Sustainability and Energy Statement (dated March 2015), DSG Acoustic Report, and Construction Method Statement (dated March 2015).

Proposed: 14044-P090 Rev A, 14044-P100 Rev A, 14044-P101, 14044-P110 Rev A, 14044-P120 Rev A, 14044-P202, 14044-P310 Rev A, 14044-P311 Rev A, 14044-P312 Rev A and 14044-P313 Rev A

Supporting documents: Updated Design and Access Statement (November, 2015) prepared by KSR Architects; GIA Daylight and Sunlight Assessment (dated June 2015); DS2 Affordable Housing Statement (dated April 2015); Construction Management Plan (dated April 2015); Updated Structural Engineering Report and Subterranean Construction Method Statement (November, 2015) prepared by Elliott Wood; Updated Heritage Statement (November, 2015) KM Heritage; Updated Sustainability and Energy Statement (November, 2015) Integration; Motion Transport Statement (dated March 2015); Updated Acoustic Assessment (November, 2015) CSG Acoustics; Updated Basement Impact Assessment (November, 2015) GEA Limited; and Landmark Trees Arboricultural Assessment

(dated March 2015).

Informative(s):

1 Reason for granting minor material amendment:

The proposal, involving alterations to fenestration and doors on the side and rear elevations, excavation of a further 0.5 metres, removal of external swimming pool and relocation of ventilation intakes and extract grilles is considered acceptable.

The positioning of the windows is being altered, but the materials are considered to be the same. The alterations to the positioning of the windows would not be visible from the wider public realm and the overall character and proposal would not change as a result of the proposal. The changes to the positioning of the windows would not result in additional harm to neighbouring residents in terms of overlooking.

An updated BIA was submitted and it has been considered that the further excavation by 500mm would not result in adverse harm to the natural and built environment.

The relocation of ventilation intakes and extract grilles will not create any additional noise or vibration nuisance. Thus the proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

No objections have been received to this element of the application prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

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, DP27 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 7.21 of the London Plan 2015 and paragraphs 14, 17, 56-66 and 118 of the National Planning Policy Framework.

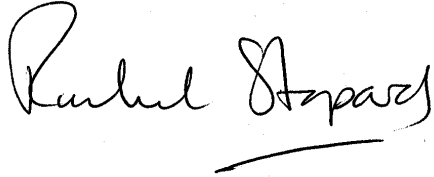
- 2 You are advised that this decision relates only to the changes highlighted on the plans and/or set out in the description and on the application form and shall only be read in the context of the substantive permission granted on 02/11/2015 under reference 2015/2026/P and is bound by all the conditions and obligations attached to that permission.
- 3 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 'Rachel Stopard', with a horizontal line underneath the name.

Rachel Stopard
Director of Culture & Environment