

Mr Gregory McKinney  
Opsis Design  
UNIT 19 Westbourne Studios  
242 Acklam Road  
London  
W10 5JJ UK

Application Ref: **2016/5794/P**  
Please ask for: **Nora-  
Andreea.Constantinescu**  
Telephone: 020 7974 **5758**

20 January 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:

**37 A Fitzjohn's Avenue  
London  
NW3 5JY**

Proposal:

Variation of condition 3 (approved plans) of planning application ref 2016/0544/P (dated 09/05/2016) for the erection of roof extension and two single storey rear extensions, changes to include 3 new windows on south elevation, drainage pipes to be moved on the south elevation, aluminium windows to be dark grey finished.

Drawing Nos: 1513-PL-001 Rev A, 1513-PL-002 Rev A, 1513-PL-010 Rev A, 1513-PL-011  
1513-PL-020 Rev A, 1513-PL-021 Rev A, 1513-PL-022 Rev A, 1513-PL-030 Rev A, 1513-  
PL-031 Rev A, 1513-PL-032 Rev A, 1513-PL-110 Rev A, 1513-PL-111 Rev A, 1513-PL-  
112 Rev A, 1513-PL-120 Rev A, 1513-PL-121 Rev A, 1513-PL-122 Rev A, 1513-PL-130  
Rev A, 1513-PL-131 Rev A & 1513-PL-132 Rev C, Planning, Design & Access Statement.

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 the original permission, reference 2016/0544/P granted on 09/05/2016.

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

- 2 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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/0544/P shall be replaced with the following condition:

**REPLACEMENT CONDITION 3**

The development hereby permitted shall be carried out in accordance with the following approved plans:

1513-PL-001 Rev A, 1513-PL-002 Rev A, 1513-PL-010 Rev A, 1513-PL-011 1513-PL-020 Rev A, 1513-PL-021 Rev A, 1513-PL-022 Rev A, 1513-PL-030 Rev A, 1513-PL-031 Rev A, 1513-PL-032 Rev A, 1513-PL-110 Rev A, 1513-PL-111 Rev A, 1513-PL-112 Rev A, 1513-PL-120 Rev A, 1513-PL-121 Rev A, 1513-PL-122 Rev A, 1513-PL-130 Rev A, 1513-PL-131 Rev A & 1513-PL-132 Rev C, Planning, Design & Access Statement.

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

- 4 The side south facing windows on the 1st and 2nd floors of the building shall be obscurely glazed and non-openable below a height of 1.7m. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1 Reasons for granting permission:

The proposed changes to the previous permission granted for the 'Erection of roof extension and two single storey rear extensions.' under planning application reference no 2016/0544/P are as follows: insertion of 3 windows on the southern elevation, facing the side wall of no 35 Fitzjohns Avenue.

The windows have been revised during the course of the application to a more subordinate size in relation to the buildings' side wall and taking into account the existing staircase windows at no 35 Fitzjohns Avenue.

A planning condition will ensure that the windows would be obscure glazed and non-opening below a height of 1.7 metres, and therefore they are not considered to cause any significant harm to neighbouring amenities.

Neither is considered that the alterations would affect the appearance of the host dwelling, conservation area or streetscene.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policy CS1, CS5, CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with London Plan 2016 and National Planning Policy Framework 2012.

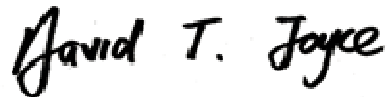
2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing 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 that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce  
Executive Director Supporting Communities