

Ms Alexia Kokorelia  
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Application Ref: **2017/0798/P**  
Please ask for: **John Diver**  
Telephone: 020 7974 **6368**

11 April 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:

**Basement Flat  
71 Dartmouth Park Road  
London  
NW5 1SL**

Proposal:

Variation of condition 3 (approved plans) of planning permission 2015/1771/P dated 01/07/2015 for the 'Erection of side infill extension with skylight, increased height of entrance passage...'. Variation to include no.1 additional rooflight to side extension and increase in overall height by 150mm.

Drawing Nos: Site Location Plan, A100, A102, A103, A110, A111, A111B, A202, A203, A212, A213, A1200, A1201, A1210, A1211, Design and Access Statement dated March 2015 and Arboricultural Impact Assessment prepared by Trevor Heaps dated 24 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 granted on 01 July 2015 under reference number 2015/1771/P shall be replaced with the following condition:

REPLACEMENT CONDITION 03:

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, A100, A102, A103, A110, A111, A111B, A202, A203, A212, A213, A1200, A1201, A1210, A1211, Design and Access Statement dated March 2015 and Arboricultural Impact Assessment prepared by Trevor Heaps dated 24 March 2015

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

- 2 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2015/1771/P dated 01 July 2015.

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

- 3 The new outbuilding hereby approved shall only be used for purposes incidental to the residential use of the ground floor flat at 71a Dartmouth Road and shall not be used as a separate independent Class C3 dwelling.

Reason: To ensure that the future occupation of the outbuilding does not adversely affect the amenity of adjoining residential premises/immediate area by reason of noise, traffic congestion and excessive on-street parking and is not used for unauthorised purposes, in accordance with policies CS5 (Managing the impact of growth and development), CS8 (Promoting a successful and inclusive Camden economy) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP19 (Managing the impact of parking), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies

- 4 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 policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed variation in terms of the addition of no.1 additional obscure glazed rooflight and the increase in height to the infill side extension by 15cm are considered appropriate in design terms and would maintain the character and appearance of the property and streetscene as well as preserve the special character of the conservation area.

The proposed variations would also not be considered to result in any detrimental impact upon the amenities of any adjoining occupier in terms of outlook, light, privacy or noise by virtue of the location of the infill extension in relation to the windows of the adjacent property as well as the height and design of the proposed rooflight.

No objections were received in relation to the proposed variation. The site's planning history was taken into account when coming to this decision. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of Dartmouth Park Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

As such, the proposed development is in general accordance with policy CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies as well as policies D1, D2 and A1 of the Camden Local Plan Submission Draft (2016). The proposed development also accords with the London Plan 2016 as well as the 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 permissions.
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 You are advised that the outbuilding hereby approved should be constructed in such a manner that it will not be susceptible to future damage by protected trees. The Council is unlikely to consider favourably any application to prune or fell

protected trees because of their impact on the structure hereby approved. You are further advised that the Department for Communities and Local Government the Regions guidance "Tree Preservation Orders - A Guide to the Law and Good Practice" states that no compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent

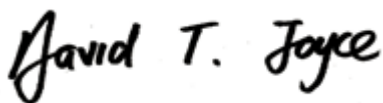
- 5 The emerging London Borough of Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ended on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.
- 6 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).

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



David Joyce  
Director of Regeneration and Planning