

Mr Adam Newman
Maisonette Basement and Ground
Floor
1 Kingdon Road
London NW6 1PJ

Application Ref: **2017/1029/P**
Please ask for: **Jonathan McClue**
Telephone: 020 7974 **4908**

19 April 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**Maisonette Basement and Ground Floor
1 Kingdon Road
London
NW6 1PJ**

Proposal:

Removal of conditions 4 and 5 (replacement tree planting) of 2013/2766/P dated 10/10/13 for (Single storey rear extension at lower ground floor level, replacement rear balcony and installation of metal staircase and associated works to openings and boundary treatment) CHANGES ARE to retain the trunk of a mature chestnut tree within the rear garden and to provide no replacement tree

Drawing Nos: Additional documents: Letter from Lancaster Brown Surveys Limited dated 07/02/2017.

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 shall be carried out in accordance with the following approved plans: Design and Access Statement; A362-S01; A362-S02; A362-P01; A362-P02; A362-P04; A362-P05; A362-P06; A362-P07; A362-W01



and Letter from Lancaster Brown Surveys Limited dated 07/02/2017.

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

Informative(s):

- 1 Reasons for granting permission to remove planning conditions 4 and 5.

Condition 4 of 2013/2766/P requires a replacement tree to be planted with condition 5 requiring the tree to be replaced within a period of 5 years should it become seriously damaged or diseased. The conditions were attached to ensure a replacement for a mature chestnut tree that was to be removed to make space for the new extension and due to it causing structural damage to a boundary wall belonging to the adjoining Dene Mansions.

The approved development has been fully implemented and is now occupied. During the works the tree was partially removed with its stump and roots left in situ. This was done on advice from a structural engineer and surveyor as its entire removal would cause damage to the boundary wall, neighbouring buildings and the newly constructed extension. The implications of removing the tree were only discovered during the construction of the new extension. Given that the tree cannot be fully removed due to construction reasons the applicant can no longer plant a replacement tree in its place. The property is not located within a conservation area and the tree which has been partially removed does not have a Tree Preservation Order (i.e. no permission would be required to remove it exclusive of this development). At the time of the original approval Council Officers determined that the chestnut tree did not have significant enough amenity value to warrant its retention. Given that the tree cannot be removed it is considered that the removal of conditions 4 and 5 is justified. The original tree was not worthy of protection and was causing structural issues and a loss of light to adjoining occupiers. It is not considered that a mature replacement is necessary in this backland location, especially due to the tight constraints with neighbouring properties where it would likely be detrimental to living conditions.

As the development has been completed the only relevant condition to be retained from the original approval is that the details are implemented and kept in accordance with approved drawings and documents.

No comments have been received during the consultation period. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5, CS8, CS9, CS11, CS14 and CS19 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP13, DP16, DP20, DP23, DP24, DP25, DP26, DP27 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with the London Plan and the National Planning Policy Framework; and policies G1, E1, E2, A1, A4, A5, T4, CC3, D1, D2, and DM1 of the Camden Local

Plan Submission Draft 2016.

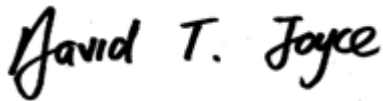
- 2 The emerging London Borough of Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ended on 13 March 2017. The modifications have been proposed in response to Inspector's comments 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.

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
Director of Regeneration and Planning