

Mr Thomas Korn
Garden Flat
119 Canfield Gardens
london
NW6 3DY

Application Ref: **2017/1753/P**
Please ask for: **Raymond Yeung**
Telephone: 020 7974 **4546**

7 July 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
**119 Lower Ground Rear
Canfield Gardens
LONDON
NW6 3DY**

Proposal:

Variation of condition 2 (Drawings) and details in pursuant of condition 3 (Material samples) of granted appeal APP/X5210/A/11/2165313 dated 25/05/2012 under [Ref: 2011/3875/P] and as varied by (ref:2012/6892/P) dated 18/02/2013 and (ref:2015/1550/P) dated 02/07/2015 for the erection of single-storey rear extension with internal courtyard. Changes namely with regards to extension design regarding the roof, material and fenestrations (Retrospective).

Drawing Nos: Dwg.no suffix 135; GARF_P1, GS01_P1, GA00_P1, GE01_P1, Photographs 1, 2, 3 and 4 of the site, green roof submitted by Tom Korn.

Superseded plans: 108-010A-Proposed Ground Floor Plan, 108-011A-Proposed Roof Plan, 108-012A-Proposed Side Elevation, 108-013A-Proposed Rear Elevation

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):



- 1 Condition 2 of the planning permission granted 18/02/2013 under reference number 2011/3875/P and appeal APP/X5210/A/11/2165313 shall be replaced by the following condition:

REPLACEMENT CONDITION 2

The development hereby permitted shall be carried out in accordance with the following approved plans- 108-001A-Existing Ground Floor Plan, 108-002A-Existing Roof Plan, 108-003A-Existing Side Elevation, 108-004A-Existing Rear Elevation and Dwg.no suffix 135; GARF_P1, GS01_P1, GA00_P1, GE01_P1, Photographs 1, 2, 3 and 4 of the site, green roof submitted by Tom Korn.

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

- 2 The extension shall not be brought into use until the green roof has been completed in its entirety and the such roof will be retained in accordance with the approved details as per approved under ref: 2012/6892/P and 2015/1550/P.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy D1 of the Camden Local Plan.

Informative(s):

- 1 Reasons for granting approval of details.

The applicant has submitted this retrospective variation application due to the extension being built differently to what was approved within original permission 2011/3875/P (allowed appeal APP/X5210/A/11/2165313) and subsequent variation of drawings ref: 2012/6892/P and again in 2015/1550/P.

The difference between the built extension and the parent permission is; height, design of roof, fenestrations and materials.

The original design had a varying roof form and height consisting of both pitched and flat roof elements, ranging from 2.5 metres to 3.3 metres (4.5 metres height including chimney stack) in height, stone cladding and aluminium doors covering the majority of the rear elevation.

The built appears more uniform having a flat roof with sedum above, matching brick material and a simplified rear fenestration.

The amendments are considered to be acceptable, and do not detract from the approved scheme. The changes to the side, rear elevation and plot size are considered acceptable and are similar to the size and design as approved in amendments mentioned above.

The proposal is at the rear and is not readily visible from public viewpoints. The surface area for the originally approved sedum roof is increased which would improve biodiversity. The changes would appear secondary to the main building as it follows the existing building lines of the property. This is characteristic of buildings in the area and was something the appeal decision sought to preserve.

No additional windows are added and as such this does not increase overlooking opportunities to the neighbour at 117 Canfield Gardens and no. 117 has a large rear extension and this would be a similar height to what is proposed. The extension is still set away from the boundary with No.121 as per parent permission.

The original permission under Condition 3 of the inspector's allowed appeal decision, required external material details to be submitted, this application is also sought to discharge the condition for the as built yellow brick.

It is considered that the brick is appropriate and the materials would preserve the character and appearance of the proposed building, streetscene and the South Hampstead Conservation Area. The brick and colour of them would match that of the neighbouring extensions. As such, the condition can be fully discharged.

Two objections and one letter of support have been received following statutory notification of the application and has been received and duly taken into account prior to making this decision. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the South Hampstead Conservation Area in accordance with 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 policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and Policies and policies A1, D1 and D2 of the Camden Local Plan 2017.

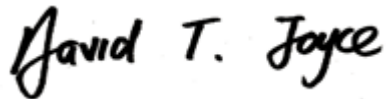
- 2 You are advised that all conditions have now been discharged from the parent previous permission.
- 3 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.
- 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, conditions (and obligations where applicable) as attached to the previous planning permission.

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 style with a large 'D' and 'J'.

David Joyce
Director of Regeneration and Planning