

Mr Ben Mayfield  
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Application Ref: **2017/5094/P**  
Please ask for: **Emily Whittredge**  
Telephone: 020 7974 **2362**

2 November 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:  
**Merlin House**  
**Oak Hill Park**  
**London**  
**NW3 7LJ**

#### **Proposal:**

Variation of condition 3 (approved plans) of the development granted 23/03/2016 application ref. 2016/0295/P for: Renovation of two storey penthouse apartment, namely to raise the height of the balustrades and reinstate terraces.

Drawing Nos: 1523-NMA-XX-ZZ-DR-B-00001 Rev P1, 1523-NMA-XX-ZZ-DR-A-00200 Rev P3, 1523-NMA-XX-ZZ-DR-A-00201 Rev P3, 1523-NMA-XX-ZZ-DR-A-00202 Rev P3, 1523-NMA-XX-05-DR-A-00100 Rev P4, 1523-NMA-XX-06-DR-A-00100 Rev P4, 1523-NMA-XX-ZZ-DR-A-00609 Rev P1, 1523-NMA-XX-ZZ-DR-B-00002 Rev P1, 1523-NMA-XX-05-DR-B-00100 Rev P3, 1523-NMA-XX-06-DR-B-00100 Rev P3, 1523-NMA-XX-ZZ-DR-B-00200 Rev P2, 1523-NMA-XX-ZZ-DR-B-00201 Rev P2, 1523-NMA-XX-ZZ-DR-B-00202 Rev P2.

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 planning permission ref 2016/0295/P dated 23/03/2016.

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

- 2 For the purposes of this decision, condition no.3 of planning permission 2016/0295/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- 1523-NMA-XX-ZZ-DR-B-00001 Rev P1, 1523-NMA-XX-ZZ-DR-A-00200 Rev P3, 1523-NMA-XX-ZZ-DR-A-00201 Rev P3, 1523-NMA-XX-ZZ-DR-A-00202 Rev P3, 1523-NMA-XX-05-DR-A-00100 Rev P4, 1523-NMA-XX-06-DR-A-00100 Rev P4, 1523-NMA-XX-ZZ-DR-A-00609 Rev P1, 1523-NMA-XX-ZZ-DR-B-00002 Rev P1, 1523-NMA-XX-05-DR-B-00100 Rev P3, 1523-NMA-XX-06-DR-B-00100 Rev P3, 1523-NMA-XX-ZZ-DR-B-00200 Rev P2, 1523-NMA-XX-ZZ-DR-B-00201 Rev P2, 1523-NMA-XX-ZZ-DR-B-00202 Rev P2.

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission

The application seeks minor amendments to the development approved under ref. 2016/0295/P, namely to raise the height of the balustrades to achieve compliance with building regulations, and to remove the glazed enclosures to the terraces. The balustrades at fifth and sixth floor levels would be raised by approximately 200mm through the addition of an extension piece, resulting in a height 1100mm above terrace floor level. The modern glazed enclosures of the terraces at 6th and 5th floors would be removed.

The removal of the glazed enclosures would result in the of the open-air terraces, which formed the original design of the building as constructed. While the 6th floor terrace would be uniquely wider than other terraces on the building, and although appearing asymmetrical, this feature is original to the design and is evidenced on historic floor plans. The terraces would be accessed via new aluminium doors. These changes represent minor amendments to the approved design that are

sympathetic to the host building and will both preserve and enhance the character and appearance of the conservation area.

The reinstatement of the open terraces is not expected to give rise to noise nuisance or loss of privacy in this location.

The planning and appeal history of the site has been taken into account when coming to this decision. No objections were received prior to making this decision.

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

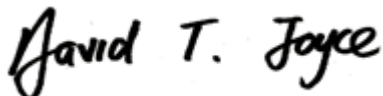
The proposed development is in general accordance with the London Borough of Camden Local Plan 2017, policies A1, D1, and D2. The proposals also accord with the London Plan 2016 and the National Planning Policy Framework 2012.

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