

Mr Yossi Shahar
Tal Arc Ltd
Rear of 8 Dollis Road (Access from 2a
Crescent Road)
London
N3 1HP

Application Ref: **2017/4259/P**
Please ask for: **Laura Hazelton**
Telephone: 020 7974 **1017**

30 November 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:
Burghley Court
18 Ingestre Road
London
NW5 1UF

Proposal:
Variation of condition 3 (approved drawings) of planning permission ref: 2016/7054/P granted on 16/05/2017 for the erection of additional storey to provide two x 2 bedroom flats at 3rd floor level; namely, installation of 2 x new windows to side elevations, and minor changes to accommodate fire & safety provisions.

Drawing Nos:
Superseded plans: PL201 Rev.PL1, PL300 Rev.PL1

Amended plans: BC-PP2-01 rev B, BC-PP2-02 rev B

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 granted on 16 May 2017 (ref: 2016/7054/P).

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 D1 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition no.3 of planning permission 2016/7054/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: PL001, PL005, PL002 Rev.PL2, PL004, PL004A Rev.PL2, PL200 Rev.PL1, PL202 Rev.PL3, BC-PP2-01 rev B, BC-PP2-02 rev B.

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

- 4 The relevant part of the works shall be carried out in accordance with the details approved under ref: 2017/3973/P dated 12/09/2017 for the following:

- a) Details including sections at 1:20 of all windows and external doors.
- b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

All approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 5 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the balcony of flat 10 adjacent to no.91 Burghley Road prior to commencement of use of the balcony and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 6 The proposed side windows facing 91 Burghley Road shall be obscure glazed and fixed shut up to 1.7m above floor level and shall be permanently retained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973)] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 5 Reason for granting permission:

The proposed revisions are relatively minor ones that relate predominantly to the inclusion of fire and safety provisions. These include the installation of a glazed balustrade behind the central section of raised parapet at third floor level and 2 fire escape doors onto this terrace. This terrace would not be used as outside amenity space but for emergency escape only, with both doors featuring an emergency 'panic' push bar. The visual impact of these changes would be very limited, as the glass balustrade would only project over the parapet by 290mm and would be similar in appearance to those on the floor below.

The proposals also include the installation of 4 x additional rooflights at roof level. These would not be visible from street level and would not impact the appearance

of the previously approved scheme.

New openings are proposed to each side elevation - one window facing 91 Burghley Road serving flat 1 and one new window facing north serving flat 2. This window would not directly face any neighbouring buildings, and therefore would not result in harm to residential amenity. The other window would be required to be obscure glazed (as secured by condition), to protect the privacy of the occupants on no.91. The proposed drawings also include a new widened opening to the rear balcony of flat 2. This would have limited design or amenity impacts and is considered acceptable.

Two Comments were received and duly taken into account prior to making this decision. The planning history of the site and relevant appeal decisions were taken into account when coming to this decision. The subject property is not within a Conservation Area, nor is the building listed or within the setting of a Listed Building.

As such, the proposed development is in general accordance with Policies A1 and D1 of the London Borough of Camden Local Plan 2017, and Design Policy D3 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

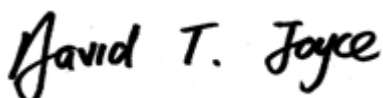
- 6 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 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



David Joyce
Director of Regeneration and Planning