

Our ref: J034286

Planning Department  
London Borough of Camden  
Second Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London WC1H 9JE

12 July 2018

Dear Sirs,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**SECTION 73 APPLICATION TO VARY PLANNING PERMISSION 2016/5190/P**  
**PHOENIX HOUSE, 104-110 CHARING CROSS ROAD, LONDON WC2H 0JN**

On behalf of our client, Mr and Mrs H S Markham and The Hallam Partnership LLP, GL Hearn are pleased to submit a Minor Material Amendment (Section 73 application) in relation to planning permission ref. 2016/5190/P for a 2-storey rooftop extension to provide 2 x 2 bedroom flats at the above address.

Planning permission ref. 2016/5190/P was approved on 30 June 2017. The description of development is as follows:

*“Erection of 2 storey roof extension with garden room and terrace at rooftop level to provide 2 x 2 bedroom flats”*

This was amended through a non-material amendment (Section 96a application) ref. 2018/0403/P that was subsequently approved on 28 February 2018, which made minor alterations to the design of the approved scheme following design development, structural and environmental refinement.

Our client is now seeking to further amend the scheme to enlarge the top floor garden rooms with a view to simplifying the structure to the east elevation and making for a far more usable roof top space. It became apparent in further detailed design development that the approved space is limited and is not particularly usable for its purpose. The proposed change provides for a nominal increase of 4 sqm, which allows for internal furnishing and a WC to be included within this space. Whilst the proposals seek to increase the size of the garden rooms, the extension is concentrated to the eastern elevation, which is not visible from public locations, and a very marginal increase to the western elevation. There are no extensions proposed to the north and south sides of the structure. As such, the visual impact of the proposal would be negligible and should be considered acceptable.

The below table details the revised set of planning drawings:

Original Drawings	S96A Drawings	Proposed S73 Drawings
(P)001		
(P)002		
(P)003 Revision C		
(P)004 Revision B	(P)004 Revision C	(P)004 Revision D
(P)005 Revision B	(P)005 Revision C	(P)005 Revision D
(P)006 Revision B	(P)006 Revision C	(P)006 Revision D
(P)007 Revision B	(P)007 Revision C	(P)007 Revision D
(P)008 Revision B	(P)008 Revision C	(P)008 Revision D

It is recognised that there is no statutory definition of ‘minor material amendment’ to an existing permission although the Government supports the following definition:

*“A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved.”*

Whilst we considered that the works would be non-material, following correspondence with the Planning Officer, we understand that the Council are of the opinion that a minor material amendment (S73) application is required. We justify that the proposed works are no more than a minor material amendment for the following reasons:

- The application site area remains as per the original application;
- The application description remains as per the original application;
- There were no objections to the original proposal which would be compromised by the proposed minor material amendment;
- The unit mix and numbers remain as per the extant consent;
- There is a very minor increase of 4 sqm of Gross Internal Area;
- The amendments do not materially change the fenestrations in the elevations facing neighbours and as such, there will be no increase in overlooking;
- The proposals would not result in a greater visual intrusion, loss of light or feeling of enclosure to neighbours; and
- The proposal would not result in changes to the external details that would materially alter the appearance of the building – the overall appearance, context and design quality of the building would remain as approved.


The Planning Officer has suggested that the proposed extension could be set back behind a rear parapet to break up the massing and provide more of a separation from the main bulk of the building. However, on further review, we see little benefit to stepping the wall back from the existing external wall; particularly as there is no real parapet and this elevation is not seen. In practice, it is considered that the proposed extension will look better on the same line as the existing wall and, from a buildability point, it is structurally beneficial if the proposed walls can be located above each other.

Overall, in the context of the scheme the proposed changes are minor material and acceptable in the same manner that the consented scheme is acceptable. The proposed changes are therefore also consistent with the relevant aims and provisions of the Council’s Development Plan and national planning framework.

Our client is also agreeable to a Deed of Variation to the Section 106 agreement pursuant to the planning permission ref. 2016/5190/P. We would be grateful for details of the Council’s solicitors in first instance to ensure prompt delivery and turnaround of the Deed of Variation.

We trust the provided information is sufficient to validate the application. Please contact me if there are any queries.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bnoseok', with a long horizontal flourish extending to the right.

**Bhoseok Nam MRTPI**  
Senior Planner

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