

Application ref: 2017/4844/P
Contact: Laura Hazelton
Tel: 020 7974 1017
Date: 20 July 2018



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Kevythalli Design Ltd
115 Great Tattenhams
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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:

**Site at rear of 84-86 Fortune Green Road
London
NW6 1DS**

Proposal:

Variation of condition 9 (approved drawings) of application ref: 2013/1045/P granted on 14/03/2014 (and subsequently amended on 20/09/2016 under ref: 2016/2802/P, and 09/03/2017 under ref: 2017/1288/P) for the erection of part 2/part 3-storey building to provide 2 self-contained residential dwellinghouses; namely, changes to ground levels following site level survey, increase in depth of first floor by 114mm, changes to footprint of boundary wall adjacent to no.82, erection of a single storey rear extension rather than a detached outbuilding and re-positioning of cycle and refuse storage to rear courtyard.

Drawing Nos: Superseded plans

1604/1001-H; 1002-H; 1003-H; 1004-H; 1005-H; 1006-E; 1007-H.

Amended plans

501 rev.B, 502 rev.D, 503 rev.C, 504 rev.B, 505 rev.B, 506 rev.C, 507 rev.C.

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, 2013/1045/P dated 14/03/2014.

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

- 2 Prior to occupation, details of the proposed cycle storage area for 2 cycles shall be submitted to and approved by the Council. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently maintained and retained as such thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the Camden Local Plan 2017.

- 3 A 1.7 metre high screen shall be erected prior to commencement of use of the roof terrace at the front elevation and shall be permanently retained and maintained thereafter.

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

- 4 The waste storage facilities shall be fully provided in accordance with the details hereby approved prior to the first occupation of any of the new units, and permanently maintained and retained as such thereafter.

Reason: To safeguard the amenities of the occupiers of the new accommodation and the area generally, in accordance with the requirements of policy A1 of the Camden Local Plan 2017.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, and A1 of London Borough of Camden Local Plan 2017.

- 6 A sample panel of all facing materials, including window frames shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel shall be retained on site until the work has been completed.

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 Camden Local Plan 2017.

- 7 The bedroom windows at first floor level on the rear elevation shall be obscure

glazed prior to the first beneficial occupation of either dwelling and thereafter permanently retained as such.

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

- 8 Both dwellings shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the Camden Local Plan 2017.

- 9 For the purposes of this decision, condition no.9 of planning permission 2013/1045/P, as amended by application references 2016/2802/P and 2017/1288/P shall be replaced with the following condition:

REPLACEMENT CONDITION 9

The development hereby permitted shall be carried out in accordance with the following approved plans: 501 rev.B, 502 rev.D, 503 rev.C, 504 rev.B, 505 rev.B, 506 rev.C, 507 rev.C.

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

Informative(s):

- 1 Reason for granting permission:

This application seeks permission for various amendments to the size and layout of the previously approved part 2/part 3-storey building (originally approved under reference 2008/1662/P and renewed under reference 2013/1045/P).

This application also seeks permission for the erection of a full width single storey rear extension as opposed to the detached outbuildings to the rear of the boundary previously approved. The extension would feature a pitched roof and would measure 3.4m high, decreasing to 2.7m at the eaves. The extension is considered sympathetic to the original design aesthetic of the proposed building and is acceptable. Although the extensions would introduce new rear windows on the buildings which would be closer to the rear windows of 84-86 Fortune Green Road; it would move the bulk of the development away from these properties. In addition, the rear boundary wall (3.15m high) would block views between these neighbouring windows as the previously proposed outbuildings would have done (which would have measured 2.65m high).

The proposed changes to the position of the rear boundary line would increase the distance between the rear wall and the rear elevations of 84-86 Fortune Green Road than that approved under a recent NMA application (reference 2016/2802/P granted on 20 September 2016).

The revisions also include changes to the south (side) elevation, so that the ground and first floor would be widened to run parallel with the southern boundary line. This would have limited impact on the appearance of the previously consented building, nor on neighbouring amenity. Although it would result in the displacement of the cycle and refuse stores into the rear courtyards, there would still be level access to the front of the property via the walkway to the side of the property which is considered acceptable.

Overall, the proposed amendments to the footprint, height and width of the proposed dwellinghouses are considered minor changes that would have limited design impact and would not harm the amenity of neighbouring residents in terms of outlook, privacy or daylight.

One objection 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.

The subject property is not a listed building, nor is it within the setting of a listed building or a conservation area.

As such, the proposed development is in general accordance with policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015, and policies A1, D1, G1, C6 and T1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016, and the National Planning Policy Framework 2012.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.
- 4 With regard to condition no. 8 you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5124) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 5 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.

- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Council's Records and Information Team, Culture and Environment Directorate, Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ (tel: 020-7974 5613).
- 7 You are advised that the Council will expect all new buildings and structures to be as energy efficient and sustainable as is reasonably practicable and welcomes the measures that have been indicated to date.
To this end, you are encouraged to introduce all possible measures that can practically be incorporated into the design of the new building and the subsequent operation of the use.
- 8 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of 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



David Joyce
Director of Regeneration and Planning

