

Application ref: 2017/5234/P  
Contact: Charles Thuaire  
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Date: 7 August 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

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:  
**41 Frognal**  
**London**  
**NW3 6YD**

Proposal:

Variation of condition 3 (approved plans) of planning permission dated 17.5.17 ref 2016/4558/P (for Partial demolition and new build behind retained façade comprising a lower ground floor extension; ground, first and second floor extensions to the front, side and rear; first and second floor rear terraces to provide a 7-bedroom single dwellinghouse), namely to vary approved materials and fenestration on all elevations and to extend 1st floor brick front parapet over northern side wing.

Drawing Nos: (Prefix 14044-) P001; X100; X110; 315; 316; 317; 318; P090E; P100E; P101E; P110F; P120E; P130E; P202E; P310E; P311F; P312E; P313E; P800; P801; MMA application document dated September 2017 by KSR architects.

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 2016/4558/P dated 17.5.17.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans- (Prefix 14044-) P001; X100; X110; 315; 316; 317; 318; P090E; P100E; P101E; P110F; P120E; P130E; P202E; P310E; P311F; P312E; P313E; P800; P801; MMA application document dated September 2017 by KSR architects.

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.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all new windows on the front elevation at ground, 1st and 2nd floors (including jambs, head and cill);
- b) Manufacturer's specification details of the new zinc cladding (to be submitted to the local planning authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

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 A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Full details in respect of the green roof in the area indicated on the approved roof

plan shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 For the duration of the development, details of all Tree Protection Monitoring and site supervision visits (where arboricultural expertise is required, as detailed in the Arboricultural Method Statement, prepared by Adam Hollis of Landmark Trees, ref: AKN/41F/AMS/01a, dated 29th July 2016) shall be submitted to and approved in writing by the Local Planning Authority. Tree protection measures shall be installed in accordance with approved drawings (Tree Protection Plan dated Jan 2015) and shall remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 All works to trees, hedgerows, shrubs, scrub or removal of tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and in order to conserve wildlife habitats within the development, in accordance with the requirements of policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 9 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 10 Prior to the commencement of the relevant part of the development, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and

permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reason for granting permission-

The revisions involve various changes to window openings on all elevations, an extension of the parapet to overhang the recessed 1st floor section on the north side, matching brickwork on the 1st floor parapet instead of timber cladding, brick instead of render on the northern flank wall, and zinc instead of copper cladding on the 2nd floor and roof. There will be no increase in height, mass or footprint nor any new windows proposed. Although the 1st floor parapet is lower as a narrower band of brickwork so that the 2nd floor appears higher on the front facade, the overall building height does not increase.

The variations are considered acceptable in design terms and to be appropriate and sympathetic to this building and conservation area. The northern overhang and changes in materials do not materially increase the visual bulk of the house as seen from front or side elevations. The change from timber to brick materials on the front parapet creates a more cohesive and uniform façade design. The proposed zinc will match the colour and finish of the pre-patinated copper, so that it does not look visually different from the approved materials.

The proposal is considered to preserve the character and appearance of the conservation area as well as the setting of the adjoining listed buildings in Frogmal Close. Special attention has been paid to the desirability of preserving the setting of listed buildings and of preserving or enhancing the character or appearance of the Conservation Area, under s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposals are not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

One objection has been received prior to making this decision. This and the planning history of the site has been taken into account when coming to this decision.

The full impact of the proposed development has already been assessed by the previous permission. No other aspects of this scheme have changed and thus the permission will be subject to the same conditions and S106 obligations as before. In addition details of the design of the new windows and materials of the new zinc cladding will be secured by condition to ensure they are acceptable.

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

- 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 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).
- 4 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

- 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 In relation to condition 1 above, you are advised for the sake of clarity that the date on which the originally approved development started on site here was 1st September 2016.

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

