

Application ref: 2018/5644/P  
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Date: 30 May 2019

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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:  
**106 Malden Road**  
**London**  
**NW5 4DA**

**Proposal:**

Variation of condition 3 (approved drawings) of planning reference 2015/4985/P dated 06/06/2016 for 'Erection of a part single storey, part two storey rear extension. Excavation of a front light well and conversion of the basement to create an additional two bedroom flat.'; CHANGES include enlargement of ground floor rear extension, relocation of the cycle store from ground to lower ground and alterations to rear external staircase  
Drawing Nos: Superseded drawings: 106 (02)-01 C, 106 (02)-02 A,

Amended drawings: Pr106 (02)- 01 Rev.F; 106 (02)- 02 Rev.C; 106 (02)- 04 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 planning permission ref 2015/4985/P dated 06/06/2016.

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

- 3 For the purposes of this decision, condition no.3 planning permission 2015/4985/P dated 06/06/2016 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:

Location Plan, 106(01)-01 A, 106 (02)-03 B, 106 (02)-01 Rev.F, 106 (02)-02 Rev.C, 106 (02)- 04 Rev.B and Design and Access Statement.

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

- 4 The proposed development shall not be occupied until the cycle parking shown on the approved drawings is provided. The cycle parking shall be permanently retained and maintained thereafter.

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

#### Informative(s):

- 1 Reasons for granting planning permission:

The main external alterations include the enlargement of ground floor rear extension with associated alterations to rear external staircase and relocation of the cycle store from ground to lower ground. The rear extension will increase modestly in depth to the rear to match the rear building line of No. 108's outrigger. Access to the rear garden is from first floor and to retain this access, the stairs are proposed to extend over the enlarged ground floor extension. Although the external staircase will be subject to some increased private views, it is not considered to be materially different to what was originally granted.

The cycle store will be relocated to the basement level, and although it would be preferable to retain the cycle parking at ground level to maintain step free access, it is acknowledged that the previous officer had considered that it would be more discreet to locate the cycle storage facilities at lower ground level. The store will provide 2 spaces that are enclosed, secure and sheltered which complies with policy. Highways officers have assessed the scheme and

raised no objection. Car free development and a highways contribution will be secured by the S106 agreement.

These proposed amendments are considered to be of an acceptable design quality and would overall result in minor changes to the approved scheme. The proposed alterations are considered to preserve the character and appearance of the host property and the West Kentish Town Conservation Area.

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

Given the scale, siting and design of the enlarged extension with altered external access stairs and relocated cycle store the development is not considered to create additional amenity concerns in terms of overlooking, loss of privacy, light or a sense of enclosure. Although the revised position of the staircase would allow for increased views into the rear garden of the adjoining property, given that this is an outdoor space associated with the Robert Peel public house, it would not harm residential amenity.

The full impact of the scheme has already been assessed during the determination of the permitted scheme, and it is considered that the amendments would have a minor material effect in terms of appearance, neighbouring amenity and transport considerations.

No comments or objections were received during the consultation period. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1, D2 and T1 of the Camden Local Plan 2017. The proposal also accords with the London Plan 2016 and the NPPF 2018.

- 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 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 6 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope  
Chief Planning Officer