

Application ref: 2018/4520/P  
Contact: Charles Thuaire  
Tel: 020 7974 5867  
Date: 28 August 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

JMS Planning & Development Ltd  
Build Studios  
203 Westminster Road  
London SE1 7FR

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**Pavilion Court**  
**17-18 Thurlow Road**  
**London NW3 5PL**

Proposal:

Excavation of existing raised garden area (on eastern side adjoining no.16) and erection of basement floor rear extension with green roof above to create a one bedroom two person flat (Class C3); excavation of existing raised garden area (on western side adjoining no.19) to create enlarged patio terrace; rebuilding of front entrance portico, and alterations to side bin store; landscaping of front forecourt and rear garden

Drawing Nos: Pavilion Court existing and proposed portico visuals; letter dated 7.1.18 from Richard Tant; 4733-SK01; location plan; 01.001A, 002A, 012C; 03.001A, 002C, 003A, 004A, 005A; EX.01.001, 002, 012C; EX.03.001, 002, 003, 004A, 005A; Tree survey etc report dated 19.9.18 by Haydens, 6986-D-AIA; 01.500

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 this permission.

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 The development hereby permitted shall be carried out in accordance with the following approved plans- Pavilion Court existing and proposed portico visuals; letter dated 7.1.18 from Richard Tant; 4733-SK01; location plan; 01.001A, 002A, 012C; 03.001A, 002C, 003A, 004A, 005A; EX.01.001, 002, 012C; EX.03.001, 002, 003, 004A, 005A; Tree survey etc report dated 19.9.18 by Haydens, 6986-D-AIA; 01.500.

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

- 4 Before the relevant part of the work is begun, full details of hard and soft landscaping, including permeable paving, of all un-built, open areas shall be submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, 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, whichever is the sooner. 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Before the relevant part of the work is begun, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- i. a detailed scheme of maintenance;
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the

construction and materials used;  
iii. full details of planting species and density.

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

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

- 7 The development hereby approved shall achieve a maximum internal water use of 110 litres/person/day. The dwelling shall not be occupied until the Building Regulation optional requirement has been complied with.

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.

- 8 The cycle store hereby approved (as shown on drawing no. 01.001A) shall be provided prior to the first occupation of the new unit and permanently retained 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.

- 9 All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details in the 'Tree survey etc' report dated 19.9.18 by Haydens and with guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction".

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant

licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 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.
- 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 Reasons for granting permission.

The existing block of flats, dating from the 1980s, is 5 storeys high with a basement level flat and carpark, although this storey becomes apparent at ground level at rear due to the sloping topography. The proposed single storey rear extension is 10m wide and 6m deep and, in the context of the large block, is totally subordinate in size, height and location. The simple design and use of matching materials is appropriate to the architecture of the block. The overall size of the extension within this large rear garden will still retain ample communal amenity space.

The front entrance domed portico will be rebuilt and replaced by a more sympathetic square shaped extension in matching brick and render. The recladding in timber of the side binstore is also acceptable. These alterations are welcomed and will enhance both the existing building and streetscene.

The extension and alterations are considered to preserve the character and appearance of the 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 Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The extension will effectively replace a raised embankment adjoining the neighbouring property at no.16. As the extension will be no higher than this embankment and the existing boundary fence, and as it will only adjoin a neighbouring larger extension, there will be no impact on neighbour amenities.

In addition 2 patios will be created within the raised landscape embankments to provide private paved amenity areas for the existing and new basement level flats.

The removal of these raised embankments is considered acceptable in the context of the site. Both neighbouring gardens on either side have lower ground levels, the site's landscaped rear garden already has sunken paths and patios, and the submitted engineer's report confirms that the landscaped embankments here are just later made-ground infill over natural ground conditions. It is thus considered that a Basement Impact Assessment is not necessary in this case and that the excavation removing this infill and the proposed flat matching the current basement floor should not create any harm to local geology, hydrology and land stability. Nevertheless the rear extension also complies with the locational and dimensional criteria for basement excavations in policy A5 on basements.

Only 2 small trees of category C value need to be removed for the scheme which is acceptable. No other trees nor root protection areas are directly affected. The green roofs over the new flat and existing binstore and the new tree planting in the front carpark will help enhance biodiversity. More details of landscaping and permeable paving will be required by condition.

The provision of a new residential unit is welcomed by local plan housing policies. The new one bedroom flat of about 54sqm area complies with space and accessibility standards. It will receive adequate daylight and sunlight and will have a separate private patio area. As the new flat is less than 100sqm, no contribution to offsite affordable housing is required.

Cycle and refuse storage will be provided within the adjoining basement carpark and binstore. In line with policy T2 on parking for new housing, the new flat will need to be 'car-free', to be secured by a S106 legal agreement. Due to the limited scope of works involved and the existence of a large forecourt and access ramp, no Construction Management Plan will be needed.

- 7 No objections have been received prior to making this decision. 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 H1, H6, H7, A1, A3, A5, D1, D2, CC1, T1 and T2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

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

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer