

Application ref: 2019/3045/P
Contact: Kate Henry
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Date: 18 October 2019

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Savills
33 Margaret Street
London
W1G 0JD
United Kingdom

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:
62 Avenue Road
London
NW8 6HT

Proposal:
Variation of condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling), namely to alter the footprint, fenestration and elevational details of the building

Drawing Nos:
Revised plans:
EZR-034 Rev. B; EZR-035 Rev. A; EZR-036 Rev. A; EZR-037 Rev. A; EZR-038 Rev. A; EZR-039 Rev. A; EZR-040 Rev. A; EZR-041 Rev. A

Superseded plans:
EZR-034 Rev. A; EZR-035; EZR-036; EZR-037; EZR-038; EZR-039; EZR-040; EZR-041

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 reference 2016/4931/P, dated 15/03/2017.

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

- 2 REPLACEMENT CONDITION 2:

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan at 1:1250; 1636/01/00; 1636/001/001; EZR-032 Rev A; EZR-033; EZR-034 Rev. B; EZR-035 Rev. A; EZR-036 Rev. A; EZR-037 Rev. A; EZR-038 Rev. A; EZR-039 Rev. A; EZR-040 Rev. A; EZR-041 Rev. A; EZR-042; EZR-043 Rev C; 13826_02_ES; 13826_03_ES; Design & Access Statement (dated August 2016); Basement Impact Assessment (as amended); Acoustic Report (dated 20/01/2012); Arboricultural Impact Assessment (updated 17th November 2016); Preliminary Ecological Appraisal Report (dated December 2016); Surface Water Drainage Strategy (dated December 2016); Sustainability Report and Energy Statement (dated 28th January 2017).

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

- 3 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 before the relevant part of the work is begun:

a) Manufacturer's specification details of all facing materials (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 Policy D1 of the Camden Local Plan 2017.

- 4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) 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 D1 and A1 of the

Camden Local Plan 2017.

- 5 The approved cycle storage facility shall be provided in its entirety prior to the first occupation of the new dwelling, and permanently retained 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.

- 6 Prior to use of any external mechanical plant at the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of adjoining premises and the area generally in accordance with the requirements of Policies A1 and A4 of the Camden Local Plan 2017.

- 7 Before any works commence on site, details shall be submitted to and approved by the Council to demonstrate how 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 during construction work. Such details shall follow guidelines and standards set out in BS5837:2012 and should include:

- a tree protection plan (TPP) showing the location and nature of tree protection measures
- appropriate working processes in the vicinity of trees
- details of an auditable system of site monitoring
- details of the design of building foundations
- details, including dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site.

The development thereafter shall be implemented in strict accordance with the approved details.

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 D1 and A3 of the Camden Local Plan 2017.

- 8 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been 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 D1 and A3 of the Camden Local Plan 2017.

- 9 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. 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 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 D1 and A3 of the Camden Local Plan 2017.

- 10 Prior to commencement of development details of the sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change, such that flooding does not occur in any part of a building or in any utility plant susceptible to water, and shall demonstrate maximum run-off rate of 5 litres per second [as detailed within the Surface Water Drainage Strategy by Jose Tenedor of Ambiental Technical Solutions Ltd, and dated December 2016]. The system shall include rainwater harvesting, bioretention and attenuation tank storage. Details provided shall include a lifetime maintenance plan, and shall thereafter retained and maintained in accordance with the approved details.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policy CC3 of the Camden Local Plan 2017.

- 11 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the

requirements of Policy A5 of the Camden Local Plan 2017.

- 12 The works hereby approved shall be carried out in accordance with the methods outlined in the Basement Impact Assessment (as amended) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of Policy A5 of the Camden Local Plan 2017.

- 13 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s 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 Policy CC3 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting:

This application seeks to vary condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling), namely to alter the footprint, fenestration and elevational details of the building.

Planning permission for a replacement dwelling was first granted in 2011 (ref: 2011/5539/P). In 2012, an application was granted to vary the approved plans (ref: 2012/6103/P). The 2016 application referenced above made further changes to the approved plans.

It is now proposed to roughly match the footprint of the 2012 application, which extends approximately 3 metres further to the rear on the southern side. This alteration is considered to be acceptable in design terms as it would not affect the character and appearance of the building as viewed from the street and, given the large size of the proposed replacement dwelling, the additional depth is not significant when considering the building as a whole.

The alteration to the rear building line necessitates a change to the approved skylights to serve the basement, namely a reduction from 2 to 1 at the rear of the building. This change is considered to be acceptable. On the front elevation, the casement windows would be replaced with sliding sash windows with an altered glazing bar pattern, which is considered to be acceptable as sash windows have been approved previously for the replacement building and are considered to be in keeping with the style of the house. The dormer windows in the front roofslope would be sited further apart, to match the approved dormer positions on the rear roofslope, which is also considered to be acceptable in design terms. The main entrance door would also be changed from a single door to double doors. All these proposed changes are considered to be acceptable insofar as they would not be harmful to the overall character and appearance of the replacement building, or cause harm to the character

and appearance of the wider area.

At the rear, the only change is to the window style (switching casement windows for sash windows at first and second floors). On the northern side elevation, the revised plans include an additional ground floor window to serve the dining room, which is considered to be acceptable due to its ground floor position. On the southern side elevation, a ground floor window has been omitted.

The proposals also involve changes to the internal layout; however, the proposed changes are not considered to raise any new planning issues and are thus considered to be acceptable.

- 2 It is not considered that the proposed development would cause undue harm to the residential amenities of nearby and neighbouring properties by way of visual privacy and outlook; sunlight, daylight and overshadowing; or noise and vibration. No. 60 (to the south) has been extended (planning permission ref: 2014/6054/P) since the original application relating to the application building and a plan has been submitted to illustrate the new relationship between the two (extended) buildings. The proposed additional length is not considered to cause undue harm to the neighbouring property, particularly because the extension to No. 60 should have been designed with the 2012 plans for No. 62 in mind. Whilst the application building would extend further to the rear than No. 60, given the large plot sizes it is not considered that it would appear overbearing and due to the orientation of the two buildings in relation to the path of the sun, loss of sunlight/daylight would not be an issue either. Overlooking is unlikely to pose a problem because the revised plans do not alter the position of the first floor side-facing windows on the application building. Furthermore, a condition on the original permission (which will also apply to the new permission) removes the permitted development rights for the replacement building, meaning it cannot be extended or altered further without planning permission first being obtained.

No objections have been raised in relation to the works. The application site's planning history and relevant appeal decisions were taken into account when coming to this decision. The full impact of the scheme has already been assessed by virtue of the previous permission.

The proposed development is in general accordance with Policies A1 and D1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016; and the provisions of the National Planning Policy Framework 2019.

- 3 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 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 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).
- 6 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.
- 7 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.

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 positioned at the top left of the page.

Daniel Pope
Chief Planning Officer