

Application ref: 2019/4563/P  
Contact: Emily Whittredge  
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Date: 30 October 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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25-27 Arcola Street  
London  
E8 2DJ  
United Kingdom

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

#### **Variation or Removal of Condition(s) Granted**

Address:  
**46 Holmdale Road**  
**London**  
**NW6 1BL**

Proposal: Variation of Condition 2 (Approved drawings) and removal of Conditions 4 (Temporary basement works), 5 (Basement excavation) and 8 (Flood risk mitigation) of planning permission dated 23/08/2018 (ref. 2018/0599/P) for Excavation of enlarged basement storey with front lightwell and associated railings; installation of new binstore and railings at front; erection of single storey side and rear infill extension - namely to omit the basement development.

Drawing Nos: A300.1 C, SP01, A160.1 A, A151.1, A110.1, A150.1, A10, A100.1 C, EX110, EX100, EX150, EX160, Design and Access Statement Rev A, Arboricultural Report (ha/aims1/46).  
Superseded plans: A100 B, A150 B, A160B, A300.

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 2018/0599/P dated 23/08/2018.

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

- 2 For the purposes of this decision, condition no.2 of planning permission 2018/0599/P shall be replaced with the following condition:

**REPLACEMENT CONDITION 2**

The development hereby permitted shall be carried out in accordance with the following approved plans: A300.1 C, SP01, A160.1 A, A151.1, A110.1, A150.1, A10, A100.1 C, EX110, EX100, EX150, EX160, Design and Access Statement Rev A, Arboricultural Report (ha/aims1/46).

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 policy D1 of the London Borough of Camden Local Plan 2017.

- 4 Intentionally left blank.

- 5 Intentionally left blank.

- 6 Prior to the commencement of works on site, tree protection measures shall be installed in accordance with approved arboricultural report dated 15th December 2017. The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

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.

- 7 The roof of the side extension shall not be used as an amenity roof terrace and shall only be accessed for maintenance purposes.

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

- 9 The flank side of the rear glazed box rooflight hereby approved shall be obscure glazed and fixed shut, and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the adjoining premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

Conditions 4 and 5 relate to the previously proposed basement extension and excavation at the front of the dwelling. Condition 2 relates to the approved drawings. The application seeks to omit the basement development that was approved in the previous application ref. 2018/0599/P for Excavation of enlarged basement storey with front lightwell and associated railings; installation of new binstore and railings at front; erection of single storey side and rear infill extension

The basement extension included in the previous application would have required excavation at the front of the dwelling near to the highway. Conditions 4 and 5 were necessary to protect the structural integrity of the highway. As this element of the works has been omitted, Conditions 4 and 5 are no longer required and no objection is raised from the Council's transport team. The previous permission had been subject to a s106 legal agreement to appropriately mitigate against potential highways and amenity issues arising from the excavation works. As these works are no longer proposed, this permission is not subject to any legal obligations.

The full impact of the proposed development has already been assessed and is considered to be acceptable subject to conditions. The extent to the ground floor rear extensions proposed remain as per the approved scheme. No objections have been received, and 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, A3, A4, A5, D1, of the London Borough of Camden Local Plan 2017 and policies 1, 2 and 18 of The Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

- 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.

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