

Application ref: 2019/4562/P
Contact: Tony Young
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Date: 21 November 2019

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Mr & Mrs C Nicholls
106, Frognal
London
NW3 6XU

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
106 Frognal
London
NW3 6XU

Proposal: Variation of condition 3 (approved drawings) of planning permission (2018/2967/P) dated 16/10/2018 for rear extension, namely to correct a discrepancy in approved drawings to show the accurate height of an existing boundary wall.

Drawing Nos: Superseded:
(A1176/14/-)S01A, P23A, P24A

Proposed:
(A1176/14/-)S01B, P23B, P24B

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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 2018/2967/P dated 16/10/2018.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 3 For the purposes of this decision, condition no.3 of planning permission 2018/2967/P dated 16/10/2018 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: Site location plan; (A1176/14/-)S01B, P22A, P23B, P24B; Design & access (with heritage) statement from APG Design (ref. A1176-14/2018/APG); Sliding doors specification document.

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

- 4 The flat roof of the extension hereby approved shall not be used as a roof terrace and access shall be for maintenance purposes only.

Reason: In order to safeguard the amenities of the neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting a variation of condition:

The proposed amendment does not seek to amend the approved scheme granted on 16/10/2018 (ref. 2018/2967/P), but aims to correct inaccurate survey drawings submitted at the time of the decision which show the existing height of the neighbouring party wall with no.108 Frognal to be approximately 25cm higher than it actually is. So although the rear extension, approved but yet to be implemented, is accurately shown on the plans in relation to the host building, there is a discrepancy in the relationship with the neighbouring property.

Despite this discrepancy in height, the approved extension would remain mainly concealed from view, it being set at a lower height than the highest stepped section of the party wall nearest the host property and slightly lower than the existing modern conservatory which it would replace. The outermost part of the extension would be slightly more visible; however, the degree of difference caused by the discrepancy is considered to be minor and unlikely to create any significant additional loss of sunlight, daylight, privacy, or increased sense of enclosure to any neighbouring occupiers in amenity terms.

Overall therefore, the amendment is not considered to significantly change the relation of the host building with any neighbouring properties, and would continue to preserve the special architectural and historic interest of the Grade II listed building, and would not detract from the character and appearance of the Hampstead Conservation Area, in accordance with Council policies and

guidelines, and is acceptable.

The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest as well as to preserving or enhancing the character or appearance of the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017, policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018, the London Plan 2016, and the National Planning Policy Framework 2019.

- 2 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).
- 3 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.
- 4 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 above the printed name and title.

Daniel Pope
Chief Planning Officer