

## 2 Oakhill Avenue, NW3 7RE



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1. Front elevation pre-commencement



2. Front elevation post-commencement





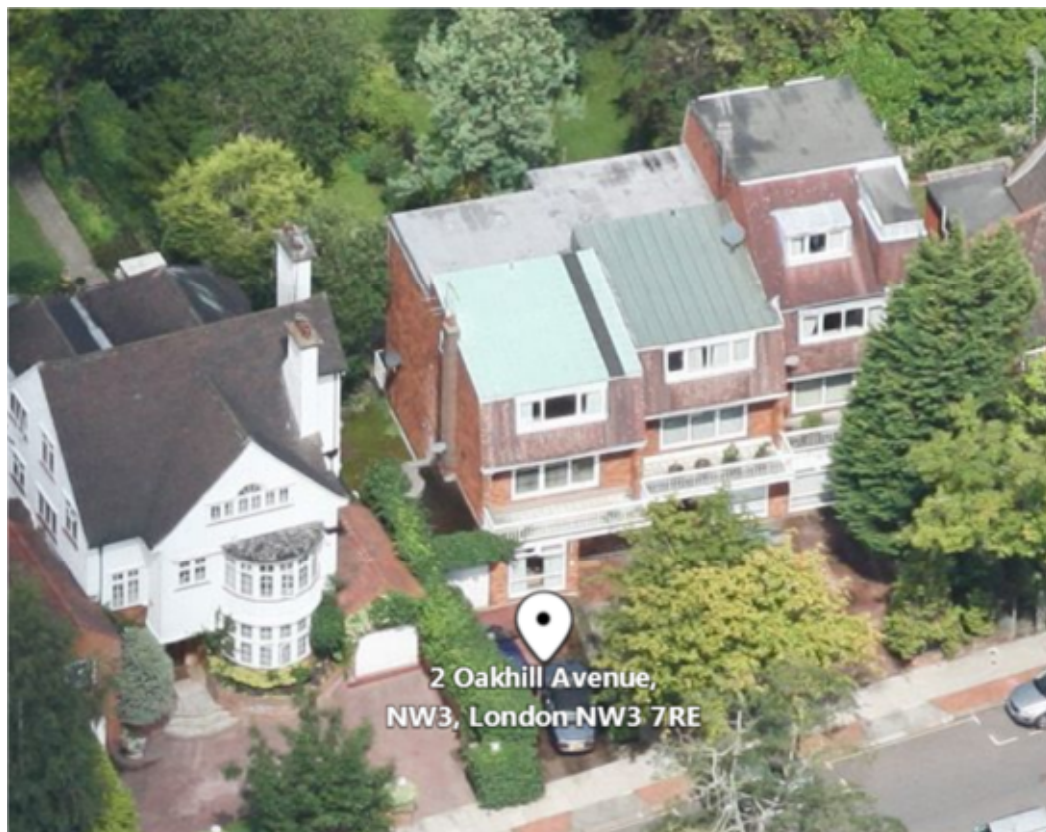
3. Rear elevation



4. Rear garden



5. West side elevation



6. Aerial view

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		10/05/2019	
		N/A		<b>Consultation Expiry Date:</b>		28/04/2019	
<b>Officer</b>				<b>Application Number(s)</b>			
Nathaniel Young				2018/4967/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
2 Oakhill Avenue London NW3 7RE				Please refer to draft decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Variation of condition 3 (approved plans) of planning permission 2013/6162/P dated 09/03/2015, (as amended by 2017/2614/P dated 06/03/2018 and 2015/5055/P dated 16/02/2016) for basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes; namely alterations to design and size of 2 x front windows at lower ground and ground floor levels, alterations to design of rear extension, alterations to converted garage roof.							
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission</b>					
<b>Application Type:</b>		<b>Variation of Condition</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. of responses	<b>0</b>	No. of objections	<b>0</b>		
<b>Belsize CAAC</b>		Object to the removal of the green roof above the converted garage. <u>Officer comment</u> <i>Applicant has revised proposal to retain green roof with a gravel perimeter.</i>					
<b>Site Description</b>							

The application site is 2 Oakhill Avenue, a three-storey, end-of-terrace, 1970's residential dwelling situated on the north-western side of Oakhill Avenue. The property is a single family dwelling house in residential use (Class C3) located in a predominantly residential area.

The application building is located within the Redington Frogna Conservation Area..

## Relevant History

### Application site

2013/6162/P - Basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes (Class C3). **Approved 09/03/2015.**

2015/5055/P - Variation of condition 3 (approved plans) of planning permission 2013/6162/P granted on 09/03/2015 (for the basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes), namely to widen the lower ground rear extension. **Approved 16/02/2016.**

2017/2614/P - Variation of condition 3 (approved plans) of planning permission ref. 2013/6162/P dated 09/03/2015 (as amended by planning permission ref. 2015/5055/P dated 16/02/2016) for 'basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes' namely to simplify the structural design, reduce vibration noise and disturbance to neighbours and to reduce the scope of differential settlement between adjacent buildings. **Approved 06/03/2018.**

## Relevant policies

### **National Planning Policy Framework 2019**

### **The London Plan March 2016**

### **Draft New London Plan showing Minor Suggested Changes (13 August 2018)**

### **Camden Local Plan 2017**

A1 Managing the impact of development

D1 Design

D2 Heritage

### **Camden Planning Guidance (CPG)**

CPG Design (March 2019)

CPG Amenity (March 2018)

### **Redington Frogna Conservation Area Statement (2000)**

## Assessment

## **1 PROPOSAL**

1.1 Planning permission is sought for the following amendments:

- Alterations to converted garage roof (living roof element reduced in area, gravel perimeter included, minor increase in height and removal of rooflight).
- Alterations to ground and lower ground floor front elevation windows (fixed panels to replace west side opening panels and reduction in size of lower ground floor window to comply with building control regulations).
- Alterations to lower ground rear extension (rear elevation wall and eaves chamfered).

### Revisions

1.2 During the course of the application the applicant has submitted revised drawings showing the green roof above the converted garage being retained with a new gravel perimeter as opposed to it being removed and replaced with a rubber membrane. A new front rooflight was also removed from the proposed minor material amendment as it introduces an entirely new element to the originally approved development which cannot be allowed under a section 73 application.

## **2 ASSESSMENT**

2.1 The material considerations for this application are as follows:

- Design and Conservation;
- Residential Amenity

### **2.2 Design and Conservation**

2.2.1 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.2.2 The proposed amendments are considered to be acceptable in terms of design. The Council's conservation officer has reviewed the proposal and raises no objections. The minor alterations to the converted garage roof and front elevation windows are not considered to cause significant detrimental harm to the overall design of the approved scheme, it is noted that the window alterations are required in order to comply with building control regulations. Alterations to the lower ground rear extension would not involve a notable increase in bulk and mass and would not be visible from the public realm.

2.2.3 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, scale, design and location of the proposed alterations, would ensure no harm is caused to the character of the host building and surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.

### **2.3 Amenity**

2.3.1 Policies A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only



granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.

2.3.2 The proposed amendments are considered to be acceptable in terms of residential amenity. There would be no notable increase in bulk and mass which would result in a loss of light or outlook. No new views would be afforded which would result in a loss of privacy. No increase in occupants or a change in use are proposed which would result in an increase in noise and disturbance.

### **3.0 Recommendation:**

3.1 Grant conditional planning permission

#### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 7<sup>th</sup> October 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'***

Application ref: 2018/4967/P  
Contact: Nathaniel Young  
Tel: 020 7974 3386  
Date: 30 January 2020

**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](http://www.camden.gov.uk)

Studio B Architects  
No 3  
53 Priory Road  
London  
NW6 3NE

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Prior approval subject to Section 106 Legal agreement**

Address:  
**2 Oakhill Avenue**  
**London**  
**NW3 7RE**

# DECISION

Proposal: Variation of condition 3 (approved plans) of planning permission 2013/6162/P dated 09/03/2015, (as amended by 2017/2614/P dated 06/03/2018 and 2015/5055/P dated 16/02/2016) for basement excavation and extensions to rear and side in connection with conversion of existing single family dwelling into 2 x 3 bedroom maisonettes; namely alterations to design and size of 2 x front windows at lower ground and ground floor levels, alterations to design of rear extension, alterations to converted garage roof.

Drawing Nos: Superseded: GA 01/C, GA 02/B, GA 03/A, GA 04/A, GA 06/B, GA 10/C, GA 09/A, GA 07/C and GA 08/A.

Proposed: 05 MMA GA 05 Rev B, 05 MMA GA 01, 05 MMA GA 08 Rev A, 05 MMA GA 07 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 This condition has been intentionally left blank.

- 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.

- 3 For the purposes of this decision, condition no. 3 of planning permission 2013/6162/P 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:

05SE GA 09, 05SE GA 06, 05SE GA 02, 05SE GA 05, [Prefix: '2 Oakhill Avenue'/05] OS 01.05, GA 04, 05 GA 03A, Site Specific Arboricultural Survey, Construction Method Statement ref. 21915 dated June 2013 by Ben Sheterline, Basement Impact Assessment ref. J13073 (Issue no. 3) dated July 2013 by Price & Myers / GEA, Independent Assessment of BIA ref. BIA/4415 dated April 2014 by Chelmer Consultancy Service (CCS), Letter by Price & Myers dated 26/6/14 ref. 21915/BS: Response to CCS Independent Assessment, Construction Method Statement ref. 21915 dated June 2014 (Rev A) by Ben Sheterline, Letter by GEA ref. J13073/ME/2 dated 8/7/14: Response to CCS Independent Assessment dated April 2014, Review of revised BIA and CMS ref. RRBC/4415 dated August 2014 by CCS, Ground Movement Assessment ref. CG/08999 dated September 2014 by CGL, Impact & Method Statement dated 25/10/13 by R Wassell; Ground floor plan (proposed) no. 2150667 S.020 P2, First floor plan (proposed) by Elliott Wood no. 2150667 S.030 P2, Second floor plan (proposed) by Elliott Wood no. 2150667 S.040 P2, substructure construction sequence by Elliott Wood ref. HSt/LG/SQ.02/P1 and HSt/SQ.03/P1, GEA letter dated 2.3.17 ref. J13073B/JD/1, CGL letter dated 19.4.17 ref. CG/08999a, CGL response to audit ref CG/08999a, BIA Audit by Campbell Reith ref. 12466-94 Rev F1 dated October 2017, 05 MMA GA 05 Rev B, 05 MMA GA 01, 05 MMA GA 08 Rev A, 05 MMA GA 07 Rev B

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

- 4 A detailed drawing of the rear side of the lower ground floor maisonette (lower ground and ground floor level) to show glazing (obscured and non-obscured), shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

The relevant part of the works shall be carried out in accordance with the details thus approved and maintained and retained thereafter.

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.

- 5 The proposed development shall be carried out in accordance with the tree protection details approved under application reference 2017/6460/P, or other details which have been submitted to the local planning authority and approved in writing. Such details shall demonstrate how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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.

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.

- 6 The proposed development shall be carried out in accordance with the cycle storage details approved under application reference 2017/6460/P, or other details which have been submitted to the local planning authority and approved in writing. Such details shall show secure and covered cycle storage for 2 cycles. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, 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.

- 7 Full details in respect of the green roof in the area indicated on the approved roof plan (over side extension and rear extension) shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 8 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 policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 9 The high-level small windows on the side elevation and the side fixed panel to the rear upper ground enclosed balcony shall be provided as obscured glazing and maintained and retained as such.

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.

- 10 The proposed development shall be carried out in accordance with the landscaping and means of enclosure of all un-built, open areas details approved under application reference 2017/6460/P, or other details which have been submitted to the local planning authority and approved 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.

- 11 All hard and soft landscaping works shall be carried out in accordance with the landscape details approved under application reference 2017/6460/P, or other details which have been submitted to the local planning authority and approved in writing. 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.

- 12 Prior to the end of the next available planting season (in accordance with the commencement of development), replacement (1x) tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 and A3 and D2 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 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 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.
- 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 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 6 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 7 You are advised that the development approved under this decision letter may give rise to liability for the Mayor of London's Community Infrastructure Levy (CIL) as well as the Camden CIL. The Council will determine the liable amount for both CILs on receipt from you of the completed Additional Information Requirement Form. In the event of the completed Additional Information Requirement Form not being received, the Council will calculate any liability on the basis of relevant available information. If you wish to discuss the CIL liability in respect of the development hereby approved please contact <https://www.camden.gov.uk/ccm/content/contacts/contact-community-infrastructure-levy-team/>
- 8 You are encouraged to re-use or retain the existing fish scale tiles on site as much as possible in the interest of sustainability and the protection of the character and appearance of the conservation area.

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

Director of Regeneration and Planning