

Application ref: 2020/2408/P  
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Date: 24 September 2020

**Development Management**  
Regeneration and Planning  
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henry planning ltd  
163 Church Hill Road  
BARNET  
EN4 8PQ

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:  
**74 Fortune Green Road**  
**London**  
**NW6 1DS**

#### **Proposal:**

Variation of conditions 2 (approved drawings) of planning permission 2018/4601/P dated 22.01.2019 for: infill of existing void at first and second floor level associated with subdivision of existing maisonette to form 3 x self-contained flats consisting of 2 x 1 bed and 1 x studio flats. Namely, changes to the internal layout and alteration to the mansard roof extension to the rear elevation.

Drawing Nos: Superseded drawing: M-100 REV2, M-101 REV2, M-102 REV2, M-103 REV2, M-104 REV2, M-107 REV2 and M-108 REV2.

Proposed drawings; P-100 REV1; P-101 REV1; P-102 REV2; P-103 REV3; P104 REV3; P106 REV5; P-107 REV1 and Planning Statement commissioned by Henry Planning consultancy & Development no date.

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 2018/4601/P

dated 24/05/2019.

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 2018/4601/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: P-100 REV1; P-101 REV1; P-102 REV2; P-103 REV3; P104 REV3; P106 REV5; P-107 REV and Planning Statement commissioned by Henry Planning consultancy & Development no date; HM Land Registry, Ordnance Survey map and Planning Statement commissioned by Regional Enterprise Development Consultancy Services dated 24th September 2018.

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 The two Sheffield stands for 4 x cycle spaces as approved under application 2019/1816/P (28/05/2019), shall be provided in their 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.

#### Informative(s):

- 1 Reason for granting permission

The application seeks to vary condition 2 (approved plans) of planning application 2018/4601/P (dated 22/01/2019), associated with the Infill of existing void at first and second floor level associated with sub-division of existing maisonette to form 3 x self-contained flats consisting of 2 x 1 bed and 1 x studio flats. The proposed application being considered include a number of alterations consisting of minor alterations to the application which has been revised (following external alterations) from the original scheme and now

includes:

East (Rear) Elevation at roof level

1. Installation of new roof light
2. Installation of box window to rear mansard roof extension
3. Internal alterations between the ground and third floors

The site is a three-storey terrace property located on the east side of Fortune Green Road to the north of the junction with Achilles/Ajax Road. The property is mixed-use consisting of retail unit on the ground floor with residential units above. The majority of the proposed amendments are internal and the external alterations are considered to be minor in the context of the original scheme and would not raise any new issues or alter the substance of the approved scheme and are considered to be acceptable.

The proposed box window on the east rear elevation at roof level is considered to be acceptable on balance, given its limited visibility from the public and the existing ad hoc window arrangement to rear windows of the neighbouring properties within the terrace. Overall, the proposed skylight is considered acceptable in size, location and design and would not harm the character or appearance of the host property and wider area. Overall, the proposal is considered acceptable in terms of design and is not considered to cause harm to the character and appearance of the surrounding area.

The proposed scheme would involve internal alterations at all levels including the re-positioning of the internal staircase arrangement. However, there would not be any change to use nor would there be changes to the residential mix. Therefore, the proposed works would not constitute as a development..

The new window would not lead to any additional overlooking relative to the existing and consented situation and therefore there would be no adverse impact on the amenity of adjoining occupiers.

One objection was received from FGWHN Forum which has been withdrawn and the planning history of the site and surrounding area were taken into account when coming to this decision.

Given the above assessment, the development is in general accordance with policies A1 and D1 of the Camden Local Plan 2017 and Policy D3 of the Fortune Green and West Hampstead Neighbourhood Plan. The development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

- 2 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).
- 3 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).

- 4 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 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.
- 6 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.

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



Daniel Pope  
Director of Economy, Regeneration and Investment