

Application ref: 2019/4239/P
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Kemp House
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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:
251 Goldhurst Terrace
London
NW6 3EP

Proposal:

Variation of Condition 3 (approved plans) of planning permission dated 09/04/2018 ref 2016/6697/P for Basement excavation with front lightwells and sunken terrace; increase in height of the existing ground floor projection and replacement of rear doors, to dwellinghouse (Class C3); changes to include installation of railings and planters at first floor level to form terrace over the extension.

Drawing Nos: Superseded drawings: 4536/PA/15c; 4536/PA/14J; 4536/PA/18d; 4536/PA/16F

Approved drawings: 4742/MMA/05a; 4742/MMA/07b; 4742/MMA/09a; 4742/MMA/11a

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 2016/6697/P dated 09/04/2018.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

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

44536/PA00; 4536/PA01; 4536/PA02; 4536/PA03; 4536/PA04; 4536/PA05; 4536/PA06; 4536/PA07; 4536/PA08; 4536/PA09; 4536/PA/17; 4536/PA/10a; 4536/PA/11D; 4536/PA/19b; Basement Impact Assessment dated January 2017; Factual Ground Investigation; Report dated April 2017; Flood risk assessment dated April 2017; 4742/MMA/05a; 4742/MMA/07b; 4742/MMA/09a; 4742/MMA/11a.

- 4 Reason: For the avoidance of doubt and in the interest of proper planning. For the purpose of this decision, condition 4 of planning permission 2016/6697/P dated 09/04/2018 shall be replaced with the following condition:

REPLACEMENT CONDITION 4

Only the area illustrated on drawing 4742/MMA/05a shall be used a terrace. The remainder of the roof of the extension hereby permitted shall not be used as a roof terrace/balcony without prior consent in writing from the Local Planning Authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies D1 and A1 of Camden Local Plan 2017.

- 5 All hard and soft landscaping works on terrace shall be carried out in accordance with the approved plans to include landscape details, by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any 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 A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The proposed changes to the previous permission are in relation to the roof of the rear extension proposed to be rebuilt, to include a roof terrace, railings and planters.

It is noted that within the surrounding context there are numerous roof terraces similar in size and design, including no. 253 Goldhurst Terrace (app ref no 2012/2911/P dated 27/07/2012); no. 255 Goldhurst Terrace (terrace appears in the drawings as part of app ref no. 9501386); no. 256 Goldhurst Terrace (app ref no 8702856, dated 1987).

The proposed roof terrace would have simple metal railings and be set back from the rear façade of the first floor extension. The railings would be painted black and would match others at that level within the close proximity. The surface of the roof of the extension is proposed to be replaced with decking, which is considered acceptable. At both ends of the terrace planting is proposed which would soften the appearance of the terrace and provide shade. The planters would include evergreen plants to soften the appearance of the rear elevation and enhance outlook from neighbouring building at no. 249.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act 2013.

In terms of impact on neighbouring amenity, it is considered that the proposed roof terrace, due to its set back from the rear facade of the first floor extension, the terrace would not result in harm to the amenity of the occupants at no. 249 Goldhurst Terrace. The side planting would retain a reasonable level of outlook from the windows at first floor of no. 249. Overall, it is considered that the proposed terrace, railings and planter would not cause harm to the neighbouring amenity.

The property at no. 253 has a similar terrace across structures at lower level and both terraces would meet along the party wall. It is considered that some level of mutual overlooking would occur, however this is not considered to be significantly harmful for the amenity of neighbouring occupiers. The proposed terrace also includes some planting at party wall which would soften the relationship between the two terraces. Overall, the proposed terrace is considered to not cause harm to the amenity of neighbouring occupiers at no. 253.

No objections were received prior making this decision. The planning history of the site has been taken into account when coming to this decision.

The full impact of the proposed development has already been assessed by virtue of the previous approval granted under permission 2016/6697/P dated

09/04/2018. The proposed amendments are therefore considered to be minor-material in the context of the original scheme and do not raise any new issues or alter the substance of the approved development. The proposal would vary the wording of condition 4 to relate to the area shown as terrace and restrict access on the rest of the roof.

As such, the proposed development is in general accordance with policies A1 (Managing the impact of development), A3 (Biodiversity), D1 (Design), D2 (Heritage) of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2019 and the London Plan 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 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.
- 5 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.

- 6 You are advised the developer and appointed / potential contractors should

take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://beta.camden.gov.uk/web/guest/construction-management-plans> or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.

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
Director of Economy, Regeneration and Investment