

Application ref: 2018/4092/P
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Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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Phone: 020 7974 4444
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Property Design Solutions Ltd
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DT2 0BG

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted and Warning of Enforcement Action

Address:

**Land to rear of 10 Lady Somerset Road
London
NW5 1UP**

Proposal:

Alteration to depth of basement floor level, window frames, brick colour and roof materials, all to existing dwelling. (retrospective).

Drawing Nos: S.00; LS0116/1 Rev C; LS0116/2 Rev D; LS0116 Rev B; Sootwash Sample - IMG_9128.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 Within nine months of the date of this decision the development hereby permitted must be completed in its entirety.

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

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

S.00; LS0116/1 Rev C; LS0116/2 Rev D; LS0116 Rev B; Sootwash Sample -

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

- 3 The 2 ground floor bedroom windows on the north elevation shall be obscure glazed and fixed shut and shall be permanently retained and maintained as such 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

- 4 The flat roofs of the dwelling, denoted as Sedum roof on the drawing hereby approved, shall not be used as amenity roof terraces.

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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), no development within Part 1 (Classes A-H) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over-development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies D1 and A1 of London Borough of Camden Local Plan 2017.

- 6 The sedum roof shall be implemented in accordance with the details approved under application ref 2013/2005/P (dated 14/06/2013) or other details which have been submitted to and approved in writing by the local planning authority and which show details of the living roof (in the area indicated on the approved roof plan) including: materials, species, planting density, habitat features, and substrate; a statement of the design objectives, including justification of roof type/species selection; a plan showing the area covered by the roof; a site specific management plan including an initial scheme of maintenance; and a section at scale 1:20 (showing that adequate depth is available in terms of the construction and long term viability) shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

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.

- 7 The hard and soft landscaping works shall be implemented in accordance with

the details approved under application ref. 2010/5365/P (dated 02/12/2010), or other details which have been submitted to and approved in writing by the local planning authority and which show details of hard and soft landscaping including a tree and green wall in the rear courtyard, have been submitted to and approved by the Council. 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 of the London Borough of Camden Local Plan 2017.

- 8 All hard and soft landscaping works shall be carried out in accordance with the approved 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 trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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 of the London Borough of Camden Local Plan 2017.

- 9 The front brick boundary wall along Oakford Road and all brick walls of the dwelling hereby approved, shall be sootwashed with a composition which resembles the sample Sootwash -IMG_9128. The sootwash palette shall be fully provided on all brick walls in accordance with the sample, within nine months of the date of this permission, and thereafter retained and maintained.

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.

Informative(s):

- 1 Reasons for granting permission:

Following approval of planning permission ref no 2010/0969/P dated 20/07/2010, the structure has not been built in accordance with the plans. Enforcement investigation has commenced in 2014.

The current submission includes amendments to resolve and address the

issues as highlighted in the enforcement notice (reference EN14/0926) in relation to: height of the building, brick colour, window frames, cover over front sunken terrace, clear side windows, brown roof and landscaping, relocation of entrance gate and entrance steps.

Height

Oakford Road steps up from the crossing with Lady Somerset Road, along the front boundary wall of the dwelling and its entrance. The site is bordered by a high brick wall and the structure as approved was projecting beyond it by 0.3m.

The built structure appears higher than the boundary wall by 0.92m. The proposal would reduce the existing parapet resulting in an overall structure higher than the boundary wall by 0.36m, which is considered acceptable in this instance. A planter will be attached to the front boundary wall to ensure the additional height would be further screened from the streetscene.

It is noted that the built structure has a basement level higher by 0.1m and ground level higher by 0.1m, then the approved structure, however this is considered de minimus, in this instance.

Brick colour

The brick wall has been cleaned to a much lighter yellow colour than existing and neighbouring context. The structure has been built with a light yellow brick which does not relate to the neighbouring context, nor the boundary wall as pre-existing.

A sootwash sample has been undertaken by the applicant on the wall of the existing structure, which is considered to alter the colour palette of the bricks to an appropriate level. This would be secured by a compliance condition. The same composition of the sootwash would be used on the existing brick wall and walls of the structure to ensure these would better relate with the neighbouring context in line with condition 2 of planning permission 2010/0969/P.

Window frames

The structure as granted consent had timber windows and the windows installed as existing are UPVC. The proposed drawings show timber windows to replace the UPVC ones, which is accepted.

Front sunken terrace

A projecting glazed structure has been installed over the existing sunken terrace. The current proposal would remove the projecting structure and replace it a flat walk-on rooflight, which is considered acceptable.

Side windows

Windows on the side elevation facing the rear of no. 10 Lady Somerset Road have been secured obscured glazed and fixed shut, in order to protect the amenity of neighbouring occupiers. The existing building has been building with clear openable windows.

The current proposal would rectify this and propose obscure windows and fixed

shut as per approved submission. This is accepted as it would prevent harmful overlooking to the neighbouring amenity.

Brown roof and landscaping

The structure as approved had a green roof on top. The structure has been built without the brown roof. Details of the brown roof have been submitted and approved under approval of details application 2013/2005/P dated 14/06/2013. The applicant is required to implement the brown roof as per approved details.

Hard and soft landscaping details have been secured in the original planning application. Details of this have been approved subject to planning application 2010/5365/P dated 02/12/2010. The applicant is required to implement the hard and soft landscaping details as per approved documentation.

- 2 One comment was received prior making this decision, which is dully addressed in consultation summary. The planning history of the site has been taken into account when coming to this decision.

In light of the above changes to be undertaken within the next 9 months, the proposed development is in general accordance with policies G1, DM1, A1, A4, A5, A3, H1, D1, D2, CC1, CC2 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2019 and the Publication London Plan 2020.

- 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.

5 ENFORCEMENT ACTION TO BE TAKEN

The Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control if the unauthorised works are not rectified as per current permission within 9 months of the date of this permission.

- 6 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).

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