

Planning Statement

Minor Material Amendment – Amalgamation of two residential units and external alterations

Flat 1 & 2, 24 Priory Road, London NW6

April 2021

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1. Introduction

- 1.1. This Planning Statement has been prepared on behalf of Alex and Charlie Balcombe in support of their planning application ('the Application') pursuant to S73 of the Town and Country Planning Act 1990 (as amended) in relation to planning permission ref: 2020/5235/P (referred to as 'the Original Application') for the:–

“Conversion of 1x2bed and 1x3bed flats into a 1x4bed flat including erection of single storey lower ground floor rear extension, following demolition of existing, with associated balcony at ground floor and external steps. Rear/side fenestration alterations at lower ground and ground floor level.”

Planning permission was granted on 26th March 2021. This Planning Statement should be read in conjunction with that of the Original Application.

- 1.2. Number 24 was originally built as a single house, with planning permission granted for its conversion into 4 self-contained flats in 1981¹. The building is located within the Priory Road Conservation Area. Like the majority of the houses at this end of the street, number 24 is an unlisted building which is deemed as making a “positive contribution”² to the conservation area. It is not included on the Council's Local List of non-designated heritage assets.
- 1.3. This Statement explains the variety of proposed amendments to the rear, side and front elevations of the site – collectively minor material. Section 2 deals with the relevant decision making framework, and section 3 gives further detail on the procedural matters governing the decision making process. Section 4 outlines the proposed amendments, and the Statement is concluded at Section 5.

¹ Planning reference 31367

² Priory Road Conservation Area appraisal and management strategy, 2000, p15

2. Decision Making Framework

- 2.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 2.2. The development plans is comprised of:
- The Camden Local Plan (July 2017);
 - The London Plan (March 2021);

Material Considerations

- 2.3. The NPPF (adopted July 2018, amended February 2019) and National Planning Practice Guidance (NPPG) are important material considerations in decision-making.
- 2.4. Further Material Considerations include:
- Priory Road Conservation Area appraisal and management strategy (2000)
 - Camden Planning Guidance: Design (2019)
 - Camden Planning Guidance: Home Improvements (Draft 2020)
- 2.5. The Priory Road Conservation Area strategy is the main strategic document laying out the borough's priorities for this area, and the justification for its conservation. While the document is relatively old compared to other strategic documents, the conservation 'appraisal and management' strategies for the borough are regularly referred to in the Local Plan. This suggests that, particularly with regards to assessing and maintaining the character of the area, this strategy retains significant weight as a material consideration. However, more contextualised parts of the document, such as the identification of 'current' trends and issues within planning applications in the area, are likely to be less relevant today.
- 2.6. The Draft Home Improvements CPG is a "totally redrafted"³ version of the previous CPG, 'Altering and Extending your Home', which was also in draft form in 2018. It is not yet adopted, and in any event is not a DPD, and hence cannot be given the same weight as the Local Plan, but nevertheless forms an important material consideration indicating the Council's 'direction of travel' in terms of home improvements.

³ Camden Council 2020

Heritage Framework

- 2.7. The site forms part of the Priory Road Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

3. Procedural Matters

- 3.1. This application is submitted pursuant to s.73 of the Town and Country Planning Act 1990, which allows variations to be made to conditions attached to an existing planning consent. Since 2009⁴, Central Government has advised local authorities to utilise s.73 of the Act to facilitate amendments to planning permissions. The intention is to provide flexibility where amendments to planning permissions are sought.
- 3.2. The term 'minor material amendment' is not defined in statute, however guidance indicates that this applies to proposals *"where its scale and/or nature results in a development which is not substantially different from the one which has been approved"*⁵.
- 3.3. This application proposes a series of minor external amendments that would not 'substantially alter' the consented development scheme. The property would remain a four-bedroom family home, created from the amalgamation of two separate existing flats. The scale of the development would be unchanged in terms of the amount of floorspace, as would the general interior layout; with bedrooms on the lower ground floor and living spaces on the upper ground floor. The LG floor extension with associated walkway and steps would also remain as consented.
- 3.4. When determining a s.73 application it is to be noted that the original development has already been judged acceptable in principle.
- 3.5. The scope of s.73 to make minor material amendments has been recently tested within the Courts, in the case of *Vue Entertainment Ltd v City of York Council [2017] EWHC 588*. In that case the situation revolved around an amendment to a cinema proposal from one of 12 screens and 2,000 person capacity, to one of 13 screens and 2,400 person capacity with an 80% floorspace increase (which is clearly a far more substantial amendment compared to what is being proposed at the Application Site). Collins J held that:
- 3.6. *"It is to be noted that section 73 itself, as I have said, does not in terms limit the extent to which an amendment of conditions can be made. It does not have, on the face of it, to be within the adjective "minor", whatever that may mean in the context.*

It is, I suppose, possible that there might be a case where a change of condition, albeit it did not seek to vary the permission itself on its face, was so different as to be what could properly be described as a fundamental variation of the effect of the permission overall. But it is not necessary for me to go into the possibility of that in the circumstances of this case because I am entirely satisfied that that does not apply in this particular case"

⁴ Greater Flexibility for Planning Permissions: Guidance (November 2009), now replaced by the relevant part of the NPPG.

⁵ NPPG – Flexible options for planning permissions Paragraph 017

- 3.7. The proposed amendments to the Original Application permission will be shown to be clearly 'minor material', in that they will result in a development that has the same "*effect*" on the surrounding area as, and is not in any substantial way different to, the originally consented scheme.

4. Proposed Minor Material Amendments

Front Elevation

- 4.1. *Replacement of the windows in the bay at lower ground and ground floors with double glazed traditional timber vertical sliding sash to match the existing.*

The enclosed existing and proposed front elevation drawings and proposed section show that the bay windows in both lower and upper ground floors will be identical to the original in terms of appearance and materials, with the exception of the proposed double glazing. In this respect, there will be no aesthetic or fundamental material change to the front elevation of the building, and therefore no impact on the conservation area. The proposed replacement windows will have a positive impact on the long-term maintenance of the building and amenity of the residents, and will also reduce energy waste through heat loss.

Side Elevation

- 4.2. *New high level window in the place of the existing LG front door opening.*

The Original Application proposed for the existing entrance to the LG floor to be completely blocked in. This application seeks to amend this, proposing a high level window in line with the existing door opening and the fenestration openings to either side. The purpose of this window is to allow ventilation into the proposed bathroom in the LG floor, and will be in keeping with the fenestration openings proposed on this façade. Given the opening already exists in one form on this elevation, it is not considered that a smaller, less obtrusive opening in the form of a high level window will cause any adverse impact to the conservation area.

- 4.3. *Remove the existing fireplace fan and flue.
Install kitchen hood extract fan (400w x 410h x 150d, approx 4.5m above ground level)*

This application proposes the removal of the existing fireplace fan and flue, and their replacement with an extractor fan for the kitchen. This this will have a positive impact on the façade, given the large bulk of the existing.

- 4.4. *Changes to fenestration type and openings.*

The two windows to the side elevation were consented as sash windows in the Original Application. This application seeks to amend these to casement windows. In light of the more modern fenestration treatment that has been consented on the rear elevation of the building, these windows are considered appropriate and would be in keeping with the rest of the development on the application site. Further,

given the side elevation is less visible from the public realm, it is not considered that these amendments will have any significant impact on the conservation area.

Rear Elevation

4.5. *Formation of parapet to the roof terrace at first floor level, replacement of railings and relocation of gutter.*

This application proposes the construction of a parapet running along the roof terrace at the first floor level. The gutter would be relocated behind this parapet, and therefore obscured from view.

4.6. *Realignment of fenestration openings at lower ground and ground floors.*

This application proposes the alternative positioning of the bi-fold doors on both UG and LG floor levels to align with the fenestration openings on the upper floors of the building. The amended alignment can be seen in the enclosed proposed rear elevation drawings. The relocation of a single sash window to the right-hand side of the façade is also proposed, along with a change of fenestration, from wooden framed sash to metal framed casement. These changes will ensure the appearance of the elevation as a whole is coherent and uniform, with all fenestration materials matching. These changes constitute an improvement in design terms, and in fact respond to one of the case officer's early comments on the original application, where it was noted that:

*"the conservation team have suggested that the upper ground fenestration could be slightly wider to align with the proportions of the other windows"*⁶.

⁶ Email correspondence 26.01.21

5. Conclusion

- 5.1. This Planning Statement has been prepared by Centro Planning Consultancy on behalf of Alex and Charlie Balcombe (“the Applicant”), the landowner, in support of minor material amendment application at Flat 1 and Flat 2, 24 Priory Road, to LB Camden Council. The proposed amendments are for a range of exterior changes to the original planning consent 2020/5235/P.
- 5.2. NPPG guidance (Paragraph 017) and recent case law (Vue Entertainment Ltd v City of York Council [2017] EWHC 588) confirms that the MMA procedure is appropriate and lawful in this instance.
- 5.3. This Statement has demonstrated that the proposed development constitutes very minor amendments to the original application, which in itself was compliant with local and national planning policy. Further, these changes do not have an adverse impact on the Priory Road Conservation Area, and in the case of the rear and side elevations, will actually constitute an enhancement. Overall, the proposal is in accordance with the development plan, and no material considerations indicate otherwise. Consequently, the application should be approved without delay.

