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18.5160

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Dear Kristina

## Re: Application for Non-Material Amendment at 149-151 King Henrys Road

We are instructed on behalf of our clients, Mr and Mrs. A Keats, to submit an application pursuant to Section 96A of the Town and Country Planning Act (non-material amendments) to amend planning permission ref: 2020/3942/P for proposals at 149-151 King Henrys Road, London, NW3 3RD involving:

*“Amalgamation of units to create one 3 bed unit at lower and upper ground floor levels and one 1 bed unit at upper ground floor level; erection of single storey rear and side extensions at no.151; external alterations including provision of cycle store to front and new window at upper ground floor level on east elevation; hard and soft landscaping to rear.”*

This application was approved on 3<sup>rd</sup> November 2020 and seven conditions were attached to this decision. One of these conditions (Condition 4 – Living Roof) required details to be submitted to the Council and this condition has now been discharged.

## Proposed Amendments

The proposed amendments seek to make a series of small changes to the proposals as a result of the design development. The key changes are:

1. Increase in depth of side entrance to no. 151
2. Internal reconfigurations to provide Flat 2 as a duplex unit
3. Increase in height of parapet of rear extension by 200mm

There are some other minor changes to the scheme proposed including a small reduction in the extent of excavation for the rear sunken patio, internal layout alterations for Flat 1, as well as some small changes to window openings as shown on the drawings. These are discussed in detail below.

In summary, the changes will respect the original design intention and the internal changes will enhance the standard of accommodation for both of the units. The changes will be very small when considered to the scheme as a whole.



This application also seeks to amend the description of development to reflect the changes so that it will read:

*“Amalgamation of units to create one 3 bed unit and one 1 bed unit; erection of single storey rear and side extensions at no.151; external alterations including provision of cycle store to front and new window at upper ground floor level on east elevation; hard and soft landscaping to rear”*

The following drawings are submitted to support the application:

- Site Location Plan – prepared by Platform 5 Architects
- Existing Drawing Set – prepared by Platform 5 Architects
- Approved Drawing Set – prepared by Platform 5 Architects
- Proposed Drawing Set – prepared by Platform 5 Architects

### **Procedural Matters**

As you will be aware, Section 96A empowers a local planning authority to make any change to a planning permission as long as it is satisfied “that the change is not material” (section 96A(1)). The section 96A power extends to amendments to the description of development.

“Materiality” must be assessed by reference to whether the change is material in planning terms, i.e. whether it materially affects the planning merits or otherwise of the scheme. In this instance, the proposed change must be considered in the context of the proposals as a whole, comprising the amalgamation of the two units to create two units (1 x 1 bed and 1 x 3 bed). The scale of development directly correlates to the scale of amendments that can be made before those changes are considered material.

This submission follows informal correspondence with yourself to understand the approach that the Council would accept to deal with the changes. It was confirmed by yourself that the Council would accept a s96a application to deal with the amendments to the approved scheme and to the description of development.

### **Changes under Section 96a**

#### *Side Extension*

The approved scheme involves a relatively small entrance to no. 151 at lower ground floor with a tight pinch point. This application seeks to increase the depth of this entrance by extending the side extension to the rear by 0.76m, from 1.84m to 2.6m, which will provide a more generous entrance. This will improve the internal circulation space, will create a more functional entrance hall and will also aid with practical matters such as moving furniture into the building. The increase in the depth of the side extension will result in the removal of one of the west facing lower ground floor windows.

Given the very small increase in the depth of the side extension of less than a metre, this amendment to the scheme is non-material when considered in the context of the scheme as a whole.

### *Internal Reconfigurations*

The approved scheme involves a three bed unit split across upper and lower ground floors (Flat 1) and a one bed apartment at upper ground floor (Flat 2). The number and mix of units will remain the same, but it is proposed to reorganise the internal layout to create a duplex one bed apartment, with the living accommodation at lower ground floor and the bedroom at upper ground floor. This will, in turn, result in changes to the internal layout of Flat 2. The entrance to Flat 1 will also be moved from the upper ground floor communal hall at no. 149 to a side entrance at lower ground floor.

The reconfigurations to Flat 2 will greatly enhance the quality of accommodation, particularly the kitchen area which will be increased in size, providing a more usable space with an area for dining. The unit will also benefit from an ensuite bedroom, as well as a separate bathroom at lower ground floor level. Flat 2 meets the 58 sqm requirement for a duplex and will be dual aspect, demonstrating the high standard of accommodation provided.

Flat 1 will continue to be split across lower and upper ground floor levels. The main living areas will remain at lower ground floor, which is consistent with the approved scheme. This application seeks to make some minor changes to the living area comprising a slight increase in the size of the kitchen as a result of the hall being reconfigured; the removal of the study; and the introduction of the utility. The flat will continue to have three bedrooms, but all of these will be located at upper ground floor rather than one at lower ground floor in the consented scheme. At 307.2 sqm, the three bed unit continues to be generously sized and greatly exceeds the required standards, again providing a very high standard of accommodation.

As the number and mix of units will remain unchanged, the amendments to the internal layout of the units are non-material when considered in the context of the development.

### *Parapet Height*

A further amendment to the scheme is a slight increase in the parapet height of the rear extension due to necessary structural zone depth and insulated green roof buildup, which means that the parapet will be 200mm higher than originally approved. The flat part of the flat roof will remain the same, but the sedum roof will be increased in thickness by 100mm to accommodate the structure, insulation and drainage board zone. This increases to the height of the parapet and the sedum part of the roof will not be noticeable and will have no impact on neighbouring properties.

Given the very small increase in the height and the fact that there are no amenity impacts, this amendment is non-material when considered in the context of the development of the whole.

### *Other Amendments*

With regard to windows and openings, the following changes are proposed:

- Blocking up of a lower ground floor window on the west elevation as a result of the extension to the entrance to No. 151.
- Blocking up of non-original casement window at upper ground floor on the east elevation. This served the kitchen in the approved scheme and this space will be consolidated into the bedroom which benefits from a south facing bay window, so the side window is no longer required.
- Widening the opening to the old store cupboard on the east elevation at lower ground floor and new solid timber door to create the new entrance for Flat 2.
- Sash window on east elevation at lower ground floor will be retained instead of being replaced with a glazed door.

There will also be a slight reduction in the extent of the excavation for the rear sunken patio from 76.4 sqm to 65 sqm in order to provide a step free route to the main garden and to increase the width of the existing level patio area outside the kitchen for outdoor dining.

### **Conclusion**

The proposed amendments are a result of further design development and refinement, which will enhance the quality of accommodation of both of the units. The amendments are very small in nature and it has been demonstrated that the amendments will not have any material impact on the planning permission as a whole and as such, can be dealt with via s96a.

I trust you have everything you need in order to validate this application, however please do not hesitate to get in contact if there is anything further you need.

Yours sincerely



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