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Camden Council
Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Aimee Squires
E: asquires@savills.com
DL: +44 (0) 2072993002

33 Margaret Street W1G 0JD
T: +44 (0) 20 7499 8644
F: +44 (0) 20 7495 3773
savills.com

Dear Camden Council,

2 WADHAM GARDENS, LONDON, NW3 3DP

APPLICATION FOR SECTION 73 APPLICATION (REMOVAL/VARIATION CONDITION APPLICATION)

Background

The following planning history is relevant to this application:

1. Planning permission (2007/6360/P) was granted on 01 July 2008 for the following development:

The excavation of the basement and erection of a glazed extension to the rear and new door to replace existing within the rear elevation.

2. Approval of details secured via condition (2011/1229/P) was granted on 1 April 2011 relating to condition 2 (Hard and soft landscaping and means of enclosure) of 2007/6360/P.
3. Approval of details secured via condition (2011/1932/P) was granted on 27 May 2011 relating to condition 4 (Approval of Tree Protection Details) of 2007/6360/P.
4. A certificate of lawfulness (2011/5077/P) was granted on 30 November 2011 certifying:

That a material operation as defined by Section 56 (4) of the Town & Country Planning Act 1990 was undertaken within the timeframe of planning permission dated 1st July 2008 (2007/6360/P) therefore implementing 2007/6360.

This application is being submitted in parallel with a section 96A application (non-material amendment) submitted via the planning portal under reference PP-10177367. The parallel non-material amendment seeks to add a condition to 2007/6360/P relating to the approved drawings. Drawing numbers were listed on the decision notice for 2007/6360/P however these drawings were not secured via a condition. The parallel non-material amendment seeks to rectify this matter.

Application details

This application is seeking to vary the proposed drawings condition as applied for under the parallel non-material application (planning portal reference PP-10177367) as described above. They can be assessed and decided concurrently given the usual assessment timeframes of 28 days (non-material amendment) and 8 weeks (minor material amendment).

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This application seeks the following amendments to planning permission (2007/6360/P) under section 73 of the Town and Country Planning Act 1990 relating to the approved drawings:

- Rectify errors presented as part of the 2007 application including red line boundary and building features.
- Reduce, consolidate and improve the basement proposals.

The following table identifies the drawings to be amended by this application.

Drawings	Approved drawings	Proposed drawings
Location plan	PL/01 Rev A	P_0200
Site plan	PL/02 Rev A	P_0201
Existing ground floor plan	PL/03 rev A	No change
Existing section AA	PL/04 rev A	No change
Existing elevations front and rear	PL/05 rev A	No change
Proposed ground floor	PL/06 rev B	P_2000
Proposed basement	PL/07 rev B	P_1999
Proposed section AA	PL/08 rev B	P_2200
Proposed section BB	PL/09 rev B	P_2201
Proposed elevations front and rear	PL/10 rev A	P_2100 P_2102
Proposed ground floor structure	PL/20 rev A	2021-148-03-A
Proposed basement structure	PL/21 rev A	2021-148-02-A
Flood risk assessment	PL/22 rev A	No change
	Tree report	No change
Existing and proposed elevations front boundary treatment	(PL)11-12	No change

Assessment

Following the Applicant's purchase of the property, a new survey was carried out which identified errors in the previously submitted and approved red line boundary. This application seeks to rectify this matter by seeking approval for the correct red line boundary.

This application seeks to consolidate and improve the basement proposals approved by 2007/6360/P and implemented on site as confirmed by 2011/5077/P. This includes:

- Omission of basement under driveway – this will reduce the extent of basement to be excavated / constructed (overall volume of excavation will decrease as a result of the proposed amendment) resulting in reduced construction impacts.
- Addition of lightwells to front – this will improve the quality of the accommodation at basement level. The lightwells will be setback from the front boundary, discreet and screened by the front boundary treatment.
- Reduction of skylights to rear – this amendment is unlikely to be discernible outside of the site.
- Basement slab lowered – this will improve the functioning of the basement but will be offset by the omission of the basement under the driveway.
- Skylight reconfigured to reflect corrected red line boundary – this amendment is unlikely to be discernible.
- Omission of internal skylight – this amendment is unlikely to be discernible outside of the site.
- Omission of internal glazed stairwell – this amendment is unlikely to be discernible outside of the site.

- Update to reflect existing condition – as a result of the corrected red line boundary, the proposals are re-aligned to ensure they reflect on-site conditions, and the approved relationships to the boundary will be retained.

For the purposes of S.38(6) of the Planning and Compulsory Purchase Act, the adopted development plan comprises of the following documents:

- London Borough of Camden Local Plan (July 2017)
- Hampstead Neighbourhood Plan (October 2018)
- London Plan (March 2021)

The key considerations are basement, design and heritage, and amenity.

It is acknowledged that basement policy has been updated since the planning permission was granted and development implemented on the site. However, the implemented basement could be completed on-site at any time, and this is a material planning consideration. Overall the proposed amendments seek to reduce the extent of basement in terms of volume as such the construction period and impacts will be reduced. This application is accompanied by a note from the structural engineer which confirms this, as well as a note from the tree consultant which confirms there will be no additional impacts in regards to trees.

The majority of the proposals will be contained to the basement or ground floor level to the rear of the building meaning that there will be no design or heritage impacts above the existing permission. Lightwells are to be added to the front however these are limited in size, discreetly located, setback from the front boundary of the site and will be screened by the front boundary treatment. As such the proposal is considered to be acceptable in design and heritage terms.

As set out above, the majority of the proposals are contained to the basement or ground floor level to the rear of the building. As such there will be no additional amenity impacts to neighbours over the existing permission. On the contrary, the reduction in the extent of the basement is likely to have a positive impact on neighbours as a result of the reduced basement construction period. The correction of the red line boundary is also beneficial to neighbours.

For these reasons, we believe the proposals comply with planning policy and will result in benefits to the neighbouring properties.

If you require any further information, please do not hesitate to get in contact.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Savills UK".

Aimee Squires
Associate Director