

21 December 2021



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Dear Mr Hope

SUBMISSION OF SECTION 96A NON-MATERIAL AMMEDITMENT APPLICATION TO PLANNING PERMISSION REF 2019/55773/P

SITE: 62 AVENUE ROAD, LONDON, NW8 6HT

We have been instructed by our client, to submit a non-material amendment (NMA) application under Section 96A of the 1990 Town and Country Planning Act (as amended) at 62 Avenue Road, London, NW8 6HT.

This NMA application has been submitted electronically via the Planning Portal under the above reference number and in addition to this letter comprises the following documents:

- **Completed Application Form**, prepared by Savills Planning;
- **Site Location Plan (Scale 1: 1250)**;
- **Site Plan (1636-001-001)**, prepared by Alan Baxter;
- **Proposed Ground Floor Plan (1921-EZR-34-Rev-D)**, prepared By KSR Architects;
- **Proposed First Floor (1921-EZR-35-Rev-B)**, prepared by KSR Architects;
- **Proposed Front Elevation (1921-EZR-37-Rev-B)**, prepared by KSR Architects;
- **Proposed Side Elevation (1921-EZR-39-Rev)**, prepared by KSR Architects;
- **Proposed Side Elevation (1921-EZR-40-Rev)**, prepared by KSR Architects;
- **Proposed Section B-B (1921-EZR-42-Rev-C)**, prepared by KSR Architects; and
- **Summary of Changes Document**, dated November 2021, prepared by KSR Architects.

The statutory planning fee for the application fee has been paid under a separate cover.

Background

Prior to construction works beginning on site, the site comprised of a detached dwelling house on a rectangular plot to the north-east of Avenue Road in St John's Wood. The site has ingress and egress vehicular access from the Avenue Road with hardstanding towards the front providing parking for vehicles. The site is not within a Conservation Area and is not statutory or locally listed, however the boundary of the Elsworthy Conservation Area sits 60m to the south east and 50m to north east to the rear.

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Planning permission was initially granted in June 2012 (Ref. 2011/5539/P) and was amended via a section 73 application in 2012 but was never implemented. Planning permission was again granted in March 2017 (Ref. 2016/4931/P) for the erection of a 2 storey, single family dwelling house with basement and accommodation in the roof space.

In June 2019 an MMA application was submitted (Ref. 2019/3045/P) to make minor amendments to the massing of the approved dwelling with some design amendments to the approved casement windows on each elevation with the installation of timber framed sash windows. This application was approved under delegated powers on 18 October 2019.

In November 2019 a further MMA application was submitted (Ref. 2019/55773/P) to make minor amendments to alter the basement. The application was approved under delegated powers on 1 May 2020. This permission is currently being implemented with all pre-commencement conditions now being discharged. **Table 1** below outlines the planning history of the site, including the various conditions which have been discharged.

Table 1: Planning History

Ref No.	Description	Decision
2016/49231/P	Erection of a 2 storey, single family dwellinghouse (Class C3) with basement and accommodation in the roof space, following the demolition of the existing main dwellinghouse	Granted 15 March 2017
2019/2450/P	Details of hard and soft landscaping required by condition 8 and details of suitably qualified engineer to oversee the basement works required by condition 11 of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling)	Granted 18 September 2019
2019/2609/P	Details of tree protection details required by condition 7 of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling)	Granted 18 September 2019
2019/2963/P	Details of SUDS required by condition 10 of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling)	Granted 06 November 2019
2019/3045/P	Variation of condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (for: replacement dwelling), namely to alter the footprint, fenestration and elevational details of the building	Granted 18 October 2019
2019/5573/P	Variation of condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (as amended by 2019/3045/P, dated 18/10/2019) (for: replacement dwelling), namely to alter the basement	Granted 1 May 2020
2021/3892/P	Details of facing materials required by condition 2 of planning permission 2019/5573/P, dated 01/05/2020 (for: replacement dwelling)	Granted 2 October 2021
2021/4040/P	Installation of front boundary wall with sliding gate.	Pending Consideration

Proposed Non-Material Amendment

This NMA application is made under Section 96a of the Town and Country Planning Act 1990 following correspondence with the Local Planning Authority in relation to the below amendments to the approved development. Section 96a of the Town and Country Planning Act 1990 sets out the Council’s power to make non-material changes to planning permission. It states:

- A Local Planning Authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.
- In deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

As set out in the National Planning Practice Guidance (NPPG) (Paragraph 002 Reference ID:17A-002-20140306), there is no statutory definition of ‘non-material’ because it is dependent on the context of the overall scheme.

The NMA amendments subject to this application proposes the following:

“Non-Material Amendment to Planning Permission (dated 1 May 2020, Ref 2019/55773/P) for Variation of condition 2 (approved plans) of planning permission 2016/4931/P, dated 15/03/2017 (as amended by 2019/3045/P, dated 18/10/2019) (for: replacement dwelling), namely to alter the basement. AMENDMENTS: Gas and electrical meter cupboard in front garden, bin store in front garden, stone piers either side of front elevation railings, revised portico design, french doors added to portico, enlargement of windows on north-western elevation, addition of window above door on north-western side elevation.

Drawing Title	Approved Drawing Number	Proposed Drawings Number
Proposed Ground Floor Plan	34-Rev B	34-Rev D
Proposed First Floor Plan	35-Rev A	35-Rev B
Proposed Section B-B	42-Rev B	42-Rev C
Proposed Front Elevation	37 Rev A	37-Rev B
Proposed Side Elevation	39-Rev A	39-Rev C
Proposed Side Elevation	40-Rev A	40-Rev C

None of the changes being proposed will material alter the approved development. These are simply very minor changes to the building that have come about as a result of the ongoing construction of the approved dwelling.

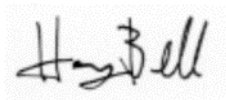
These changes will not impact upon the overall appearance of the approved development which will continue to deliver a new single dwelling house.

Summary

The proposal would continue to fully accord with national, regional and local Planning Policy. Accordingly, we respectfully request that the Council agree that the amendments are non-material.

I trust that the enclosed is in order and I look forward to receiving prompt confirmation that the application has been validated. In the meantime please feel free to contact me if you have any queries or would like to discuss further.

Yours Sincerely

A handwritten signature in black ink that reads "Henry Bell". The signature is written in a cursive style with a large, stylized 'H' and 'B'.

Henry Bell
Savills Planning

CC Adam Hunter
Enc. As above