

21 December 2021



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Dear Mr Hope

**SUBMISSION OF SECTION 73 APPLICATION (MINOR MATERIAL AMEDNMENT) TO PLANNING
PERMISSION REF. 2019/55773/P**

SITE: 62 AVENUE ROAD, LONDON, NW8 6HT

We have been instructed by our client, to submit a minor material amendment application for alterations to planning permission Ref. 2019/55733/P for the following development:

Variation of Condition 1 (compliance with approved drawings) and Condition 7 (compliance with approved hard and soft landscaping drawings) of planning application 2016/4931, dated 15/03/2017 (as amended by 2019/3045/P, dated 18/10/2019 and 2019/5573/P, dated 01/05/2020.

This application seeks to make further minor-material amendments to Condition 1 (compliance with approved drawings); for an additional dormer window at roof level on the southern side elevation, repositioning of the two consented dormer windows on the side elevation, five additional skylights at roof level, the repositioning of the basement roof light at ground level to the rear of the property, a low level service enclosure above the basement exit and a pergola over the existing stairs to the basement in the rear garden.

The application also seeks to make minor-material amendments to Condition 7 (compliance with approved hard and soft landscaping drawings) to consolidate the proposed low level service enclosure and garden pergola which are both noted above. The landscape proposals also include soft landscaping details to provide greening on the service enclosure.

This application comprises the following documents to be read in conjunction with this supporting Covering Planning Letter:

- **Completed Application Form**, prepared by Savills Planning;
- **CIL Additional Information Form**, prepared by Savills Planning;
- **Site Location Plan (Scale 1: 1250)**;
- **Site Plan (1636-001-001)**, prepared by Alan Baxter;
- **Ground Floor as Proposed (1901-EZR-034-RevC)**, prepared by KSR Architects LLP;
- **Second Floor as Proposed (1901-EZR-036-RevB)**, prepared by KSR Architects LLP;
- **Side Elevation as Proposed (1901-EZR-039-RevB)**, prepared by KSR Architects LLP;

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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- **Side Elevation as Proposed (1901-EZR-040-RevB)**, prepared by KSR Architects LLP;
- **Summary of Changes Document**, dated November 2021, prepared by KSR Architects LLP;
- **Approved Landscape Sections (2643-11-01)**, prepared by Bowles and Wyer;
- **Approved Landscape Masterplan (2643-11-02)**, prepared by Bowels and Wyer;
- **Landscape Masterplan as Proposed (2643-11-0-RB)**, prepared by Clifton Nurseries;
- **Landscape Sections as Proposed (2643-13-02-RA)**, prepared by Clifton Nurseries;
- **Front Garden Levels as Proposed (2643-13-01-RA)**, prepared by Clifton Nurseries;
- **Rear Garden Levels as Proposed (2643-13-02)**, prepared by Clifton Nurseries;
- **Front Garden Groundworks as Proposed (2643-14-01)**, prepared by Clifton Nurseries;
- **Rear Garden Groundworks as Proposed (2643-14-02)**, prepared by Clifton Nurseries;
- **Side Path Ground Works as Proposed (2643-14-03)**, prepared by Clifton Nurseries;
- **Front Garden Planting (2643-15-01)**, prepared by Clifton Nurseries;
- **Rear Garden Planting (2643-15-02)**, prepared by Clifton Nurseries;
- **Side Path Planting (2643-15-03)**, prepared by Clifton Nurseries;
- **Landscaping Details (Drawings 2634-13-03 to 2643-13-14 inclusive)**, prepared by Clifton Nurseries;

The statutory planning fee for the application will be paid under a separate cover.

1.0 The Site and 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.

Avenue Road is generally characterised by large individual family houses, dated from the 1930s or immediate post war period. The dominant style is Neo-Georgian, consisting of red and brown brick work, with clay tile roofs, classical entrances porches and subdivided timber sash windows.

2.0 Planning History and Construction Works on the Site

Construction works have progressed on site following a series of planning applications and approvals.

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. The Applicant is seeking to carry over the details of each previously discharged condition to this latest minor-material amendment application.

Also Of relevance to the works proposed in this application is application (Ref. 2019/2450/P) for Conditions 8 & 11 of application Ref. 2016/4931/P: *Details of hard and soft landscaping and details of suitably qualified engineer to oversee the basement works*. These conditions were approved on 18 September 2019.

On the Decision Notice for the latest MMA (Ref.2019/55773/P), the landscaping details are carried over by Condition 7 with the wording: *“The hard and soft landscaping and means of enclosure of all un-built, open areas shall not be carried out other than in accordance with the details approved in connection with planning application reference 2019/2450/P, dated 18/09/2019”*. The Applicant is seeking to carry over the landscaping details provided as part of this minor-minor material amendment application by updating Condition 7 accord with the details in this application.

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.	Officer Approval Recommended

The Applicant is seeking to carry over the details of each previously discharged condition to this latest minor-material amendment application.

3.0 Planning Policy Framework

Section 73 of the Town and Country Planning Act allows for amendments to be made to a scheme so long that they are minor material in nature. Recent case law has confirmed that such changes should not amount to a change in the description of development. There remains no statutory definition for what constitutes an MMA, but the NPPG states that whether an amendment is material will ultimately depend on the nature and context of the overall scheme (Paragraph: 002 Reference ID: 17a-002-20140306).

There is no need for a change in the description of development that was granted on appeal which was for the demolition of a three-storey dwelling and replacement with four-storey (ground plus three upper floors) dwelling with single storey basement level as the introduction of the ASHP is integral to the new dwelling. Renewable technologies that now frequently accompany proposals for new dwellinghouses are not needed to be specifically described in the description of development and commonly are not. It is sufficient for them to be shown on the drawings and perhaps a condition governing their provision can be imposed.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the development plan for the area unless any material considerations indicate otherwise.

Development Plan

In this case the development plan comprises:

- The London Plan (March 2021); and
- Camden Local Plan (July 2017).

In this case materials considerations include:

- The NPPF (Revised July 2021); and
- Camden Planning Guidance: Design (January 2021).

4.0 The Proposals

As stated above, the description of development is the following:

Variation of Condition 1 (compliance with approved drawings) and Condition 7 (compliance with approved hard and soft landscaping drawings) of planning application 2016/4931, dated 15/03/2017 (as amended by 2019/3045/P, dated 18/10/2019 and 2019/5573/P, dated 01/05/2021.

The minor-material amendment proposals therefore comprise the following:

- Installation of an additional dormer window on the southern side elevation and repositioning of the two consented dormer windows.
- Installation of five additional skylights at roof level;
- Repositioning and enlargement of the basement roof light in the rear garden;
- Installation of low level service enclosure above the basement stairwell to the rear; and
- Installation of pergola over the existing stairs to the basement to the rear.

The following **Table 2** indicates the consented proposed drawings against their equivalent proposed drawings. Comparisons between the consented drawings and proposed drawings is outlined in the Summary of Changes Document, dated November 2021, prepared by KSR Architects LLP. **Table 3** below shows the approved landscape drawings vs the proposed.

Table 2: Consented Drawings vs Proposed

Drawing Title	Approved Drawing Number	Proposed Drawings Number
Proposed Ground Floor Plan	19021-EZR-34-Rev B	19021-EZR-34-Rev C
Proposed Second Floor Plan	19021-EZR-36-Rev A	19021-EZR-36-Rev B
Proposed Side Elevation	19021-EZR-39-Rev A	19021-EZR-39-Rev B
Proposed Side Elevation	19021-EZR-40-Rev A	19021-EZR-40-Rev B

Table 3: Consented Landscape Drawings vs Proposed

Drawing Title	Approved Drawing Number	Proposed Drawings Number
Landscape Sections	2643-11-01	2643-11-0-RB
Landscape Masterplan	2643-11-02	2643-13-02-RA

Additional landscape drawings, prepared by Clifton Nurseries have also been submitted, these have been outlined above.

5.0 Planning Assessment

The single aspect for consideration is design of the proposals. It is considered that the proposals are necessary for the function of the building and will improve the quality of the dwellinghouse for future occupants.

Policy D1 (Design) of the LBC Local Plan states that the Council will seek to secure high quality design in development that respects local context and character. Policy D1 also requires development to comprise of details and materials that are of a high quality and complement local character.

Furthermore, Paragraph 4.32 of the LBC Design SPG states that hard landscaping proposals the Council will expect:

- *the selection of materials, patterning and methods of workmanship to consider those already at use in the area;*
- *traditional and natural materials to be used, especially in Conservation Areas (Local guidance can be found in individual Conservation Area Statements, Appraisals and Management Plans);*
- *the use of salvaged and re used materials, where appropriate.*

As noted above, it is proposed to install an additional dormer window at roof level on the southern side elevation and reposition the two consented dormer windows on the same elevation. The additional dormer window will have matching materials and dimensions to that of the consented windows.

The dormer windows are characteristic of the local area with such Neo-Georgian characteristics seen consistently throughout Avenue Road. Therefore this aspect of the proposals would comply with Policy D1 of the Local Plan and paragraph 4.32 of the Design SPG.

It is also proposed to install five additional skylights at roof level of the building. The proposal already benefits from an existing skylight as shown in the consented drawings. As such, skylights would be acceptable on this part of the building. Furthermore, the consented skylight and proposed five additional skylights will not be visible from any of the surrounding buildings or public areas on Avenue Road, nor will they have any direct line of sight to neighbouring buildings meaning that this change will have no impact upon the privacy and amenity enjoyed by residents in neighbouring properties.

The additional skylights will ensure that the rooms on the second floor level receive adequate natural daylight and will also improve the sustainability credentials of the building.

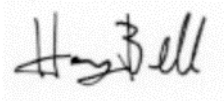
It is also proposed to slightly reposition and enlarge the basement skylight in the rear garden, again a skylight has already been consented in this position and as such is considered to be acceptable. Therefore, it is considered that the additional skylight and enlarged/repositioned skylight accord with Policy D1 of the Local Plan and should be considered as logical and pragmatic additions to the building which will ensure the building is fully functional, enhance the amenity of future occupiers and increase the building's sustainability credentials.

As noted above, the application also seeks to make minor material amendments to the approved landscape drawings to consolidate the changes outlined above as well as provide enhanced landscaping measures throughout the site. The additional soft landscaping to cover the low level service enclosure will ensure the enclosure is not visually obtrusive and forms part of the wider consented landscape proposals.

In light of all of the above, it is considered that the proposed minor-material amendments would fully comply with the Local Plan and Design SPG and should be considered as very minor non-material changes that will improve the functionality of the building.

We trust that you will find the application documents in order, however, should you require anything further, or wish to discuss the proposals in more detail, then please to get in touch via my contact details at the head of this letter.

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