

Application ref: 2021/4669/P  
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Date: 26 January 2022

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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WC1H 9JE

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MZA Planning  
14 Devonshire Mews  
Chiswick  
London  
W4 2HA  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Flat 1**  
**351 West End Lane**  
**London**  
**NW6 1LT**

Proposal:

Change of use of rear of ground floor from class C3 (residential flat) to class A3 (restaurant).

Drawing Nos: Site Plan, Location Plan (01), Existing Plan and Section AA (01), Proposed Plan and Section BB (01), Design & Access Statement

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings/document:

Site Plan, Location Plan (01), Existing Plan and Section AA (01), Proposed Plan and Section BB (01), Design & Access Statement

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The skylight in the roof of the additional restaurant area hereby approved (adjoining the site of 349A West End Lane) shall be permanently fixed shut.

Reason: To prevent noise outbreak onto adjoining site(s) in the interests of the amenity of neighbouring occupiers in accordance with policy A1 (Managing the impacts of development) of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

Policy H3 of the LB Camden Local Plan generally seeks to resist the loss of existing housing in the Borough. However, the studio flat in question does not meet the nationally described Technical Housing Standards and it provides a low quality of residential accommodation. It does not meet the minimum space requirement for a one bed dwelling (i.e. 37/39 sq m), it has a poor outlook due to only having a high level window and rooflight and the high level window opens directly on to the street raising privacy concerns, it also has no access to any private or communal open space. The unit shares an internal wall with the restaurant at the front of the building making it susceptible to undue noise and disturbance.

Planning permission (2014/1304/P) has previously been granted for the change of use of the unit to an additional seating area to a restaurant and the arrangement at the site remains the same as for this planning permission.

As such it is not considered that the proposal would result in the loss of a suitable dwelling or one that could be readily modified or amalgamated to achieve a more acceptable standard of living accommodation.

Furthermore, the proposal to use the space on the ground floor at the rear for additional seating for the existing restaurant would not cause any harm to the amenity of any neighbouring occupiers or the safety of the highway.

No extensions or elevational alterations would be undertaken so the light, privacy and outlook of the adjoining and neighbouring properties would not be affected.

The appearance of the Conservation Area would not be harmed. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The occupier of a flat at one of the immediately adjoining sites has raised an objection on grounds of noise outbreak via the skylight in the roof next to the courtyard at the rear of his site.

The proposed use could give rise to significantly increased noise emissions. A condition that the rooflight should be permanently fixed shut is therefore recommended. The Building Regulations would serve to ensure that sound proofing is provided to prevent noise transmissions. The Building Regulations would also require equal accessibility to be provided.

The proposed additional restaurant area would be accessible via the existing restaurant and no new openings out onto the highway are proposed. There should be no undue pressure on the highway or increased car use following the change of use.

The planning history of the site and adjoining sites have been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies H3, A1, T1, T2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town

Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer