



Chartered Town Planners

Daniel Pope, Chief Planning Officer
Regeneration and Planning
London Borough of Camden
5 Pancras Square
London N1C 4AG

TJR Planning Ltd
Suite 3 The Mansion
Wall Hall Drive, Aldenham
Hertfordshire, WD25 8BZ

T. 01923 853969
www.tjrplanning.co.uk

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Dear Sir

35 Elsworthy Road, London NW3 3BT
S73 Application – Amendment to Planning Permission (LPA ref. 2014/5463/P)

This letter is written in support of an application for a minor material amendments to the approved scheme.

The Planning Permission

Planning permission (“planning permission”) was granted on 14th January 2015 under application ref. 2014/5463/P for conversion from 2 flats into a single family dwelling house, excavation under footprint of house and rear garden with side and rear lightwells, erection of 2 storey curved bay to rear to replace existing 1-storey angled bay and demolition of side addition.

The planning permission has been implemented and this has been certified by the LPA with the issue of a Lawful Development Certificate on 10th August 2018 (2018/2010/P).

Condition 3 of the “planning permission” requires the development to be carried out in accordance with the drawings and other supporting material for the avoidance of doubt and in the interests of proper planning.

As construction drawings have progressed further, it has become apparent that minor amendments to the overall scheme would be advantageous both in terms of practicality from a construction perspective but also for improved living spaces internally.

The Minor Amendments

The minor amendments are:

- Modification of the basement footprint and elimination of two large lightwells at the rear;
- Elevational changes to the rear and side elevations including windows and dormers; and
- Minor changes to the internal layout.

Taking each one in turn:

From a practical perspective in terms of construction, modification of the basement level includes a slightly altered footprint and omits the two rear lightwells closest to the house which in turn would improve the visual appearance and function of the rear garden and afford an improved internal layout at this lower level. The east side lightwell would be omitted and a smaller lightwell added to the north elevation.

There would be no increase in footprint of the basement level, rather a small reduction of 11sqm. The GIA for the basement as approved is 445sqm. The proposed is 434sqm GIA.

Elevational changes to the side elevations relate only to fenestration and include a reduction in the number of openings and a slight repositioning of the (east) side dormer.

At the rear, elevational changes in the main are confined to the second floor by omitting the rear terrace and railings on the south west side and replacing this with a parapet wall to match the south east side, and raising the height of the parapet on the central section. Minor changes to the design of windows and dormers are also proposed. These modest alterations would result in a more balanced composition and enhanced rear elevation visually without significant change. Further, existing residential amenity would be improved as a result of the roof terrace on the east side being omitted.

Minor changes to the internal layout on all floors are proposed although this does not alter the use of the building as a single family dwelling house.

In all other respects, the approved development remains unchanged. The description of development would not need to be amended. It is appropriate therefore to deal with these modest changes as a minor material amendment under Section 73 of the Town and Country Planning Act (as amended).

Please to the drawings of Burwell Architects for full details of the proposed changes

Planning Policy Compliance

The minor amendments do not fundamentally alter the development as approved. There is no material change to the scale and depth of the basement extension, or to above ground extensions. The basement GIA would in fact be reduced by 11sqm.

We note the Council has adopted a new Local Plan (2017) since planning permission was first granted for the development, and also updated their Guidance (2021) to support the Local Plan. Policies relevant to this development have not changed so significantly in the interim for this development to be in conflict with the Local Plan.

We consider the aims and objectives of the 2017 Plan are still met and the proposed development thus remains in accordance with prevailing national and local planning policies. Notwithstanding this, regard must be had to the "fall back" position wherein the 2014 planning permission has been lawfully implemented and the development can

therefore continue to be built out. These are material considerations which should be taken into account when assessing this application for proposed amendments to the previously approved scheme.

One of the main objectives identified in the Council's Local Plan is to manage change and growth in a manner that respects the character, heritage and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.

In summary, the proposed development would respect local character and distinctiveness and safeguard the living conditions of neighbouring occupiers.

The approved drawings of BB Partnership to be substituted are: FEV – 108; 109; 100; 101-105 (incl); 110-113 (incl); & 115-120 (incl).

For ease and consistency, the proposed drawings of Burwell Architects are similarly numbered with a revision number.

We trust you find the details acceptable and we look forward to hearing from you in due course. In the meantime, should you require any further information or clarification of the proposed amendments please do not hesitate to contact us.

Yours faithfully

Tracey Rust
Director

tracey@tjrplanning.co.uk