

Application ref: 2021/4544/P
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Development Management
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AZ Urban Studio
2 John Street
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

**21 Maresfield Gardens
London
NW3 5SD**

Proposal:

Variation of condition 3 (approved plans) of planning permission 2020/2938/P dated 16/03/2021 for 'Conversion of dwelling to four self-contained flats, erection of two-storey rear extension, enlargement of rear dormer, various alterations, cycle storage and outbuilding in the rear garden'; namely to increase height of rear extension by 160mm, Juliet balcony at 1st floor level, alterations to rear dormer to create a balcony.

Drawing Nos: Superseded drawings: 17 Revision 01; 20 Revision 02; 21 Revision 02; 22 Revision 02; 23 Revision 02; 24; 26; 27; 28.

Proposed drawings: 17 Revision 04; 20 Revision 04; 21 Revision 04; 22 Revision 04; 23 Revision 04; 24 Revision 04; 26 Revision 04; 27 Revision 04; 28 Revision 04.

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 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.

3 REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

01; 02 Revision 01; 03 Revision 01; 04 Revision 01; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16 Revision 02; 17 Revision 04; 18 Revision 02; 19 Revision 02; 20 Revision 04; 21 Revision 04; 22 Revision 04; 23 Revision 04; 24 Revision 04; 25 Revision 02; 26 Revision 04; 27 Revision 04; 28 Revision 04; Arboricultural Report REV 1 dated 5th of August 2020 by Andrew Day; Tree protection plan dated 24th June 2020; Planning Compliance Report 20472.PCR.01 Rev A by KP acoustics; Sustainability Statement dated 19/06/2020 by HIVE Design Partnership; Design and Access/ Heritage/ Planning Statement dated 23/06/2020 by AZ Urban Studio Limited.

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

- 4 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development] [, prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 A) The development hereby approved shall be constructed in strict accordance with the recommendations and methodologies set out within the Arboricultural report and tree protection plans prepared by Andrew Day consultancy (REV 1 dated 05.08.2020). All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

B) Prior to the end of the next available planting season following construction, no.2 replacement trees shall be planted within the rear garden of the property with replanting species, position and size to be carried out in accordance with The Tree Protection Plan prepared by Andrew Day consultancy (REV 1 dated 05.08.2020) unless otherwise approved by the local planning authority in writing.

Reason: To ensure that the development will not have an adverse effect on existing trees where shown as to be retained and in order to maintain the character and amenities of the area in accordance with the requirements of policies D1, D2, A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 Cycle facilities details as shown on drawing number 18 Rev 02, shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 8 The outbuilding hereby permitted shall only be used for purposes ancillary to the main dwellinghouse and shall not be used as a separate residential dwelling or business unit.

Reason: To safeguard the character of the rear garden and the residential amenity of the neighbouring occupiers, and to prevent inappropriate uses in rear gardens, in accordance with the requirements of policies A1, D1, H1 and E2 of the London Borough of Camden Local Plan 2017.

- 9 A) A 1.8m tall privacy screen shall be erected to the northern side of the upper ground floor rear terrace (facing towards no.23) prior to first use and shall be permanently retained as such, in line with the details approved under application ref 2021/5928/P dated 09/02/2022.

B) The side glazing facing south (towards no.19) to the rear extension at upper ground floor level shall be obscure glazed and fixed shut. The obscure glazing shall be permanently retained thereafter.

Reason: In order to prevent unacceptable overlooking of the neighbouring occupiers and to ensure that mitigation measure remains visually appropriate

in accordance with the requirements of policies G1, D1, D2 and A1 of the London Borough of Camden Local Plan 2017.

- 10 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Typical details including sections, plans and elevations at 1:10 of all new windows (including jambs, head and cill), to be installed in line with the details approved under application ref 2021/5928/P dated 09/02/2022.

b) Typical details including sections, plans and elevations at 1:20 of timber glazed panels to rear extension;

c) Manufacturer's specification details of reconstituted stone facing material to the rear extension (to be submitted to the Local Planning Authority) to include photos of samples of those materials;

d) Manufacturer's specification details of rear rooflights, both of which are to remain 'conservation style' with flush finish and central glazing bars; to be installed in line with the details approved under application ref 2021/5928/P dated 09/02/2022.

e) Details 1:50 of the bins enclosure and gates, to include details of materials to be used.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 11 Before the use commences the daytime (07:00hrs-23:00hrs) cumulative plant noise levels from all fixed plant associated with the application site, when at a point 1m external to the nearest noise sensitive residential facades shall be at least 10 dB(A) less than the existing background measurement (LA90), expressed in dB(A), when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that is distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses(bangs, clicks, clatters, thumps), then the noise levels from the plant/equipment at any sensitive façade shall be at least 15 dB(A) below background noise level.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 12 The night time (23:00hrs-07:00hrs) cumulative plant noise levels from all fixed plant associated with the application site, when at a point 1m external to the nearest noise sensitive residential facades shall not exceed 30dBA L90 over a

15 minute period.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 14 Before the use commences, the air source heat pumps shall be provided with acoustic louvres in line with the insertion loss requirements specified in the acoustic report supporting the application. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To prevent the transmission of noise and vibration throughout the building and or into any neighbouring premises, thus safeguarding the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1, A4 of the London Borough of Camden Local Plan 2017

Informative(s):

- 1 Reasons for granting permission:

The proposal seeks to amend the development as granted under parent planning application 2020/2938/P dated 16/03/2021, namely to increase height of rear extension by 160mm, to introduce a Juliet balcony at 1st floor level, and to alter the rear dormer to create an inset balcony.

The proposed increase in height relates to the two-storey element of the rear extension. Whilst this would add to the scale of the structure, the overall proportions and relation to the host building and neighbouring ones would remain subordinate and in keeping with the overall character of the area. As such, the proposed increased in height would preserve the character and appearance of the host building and Fitzjohns Netherhall Conservation Area, in line with the statutory duties.

Objections raised concerns that the amendments would have additional impact on light. Given the minor increase in height proposed, there would be no significant impact caused to the amenity of neighbouring occupiers at no. 19, in terms of loss of light, outlook or overlooking, especially when compared to the extant permission.

The proposed new Juliet balcony at 1st floor level would replace the existing timber window with a timber French door and traditional railings in front. The door would maintain the existing detailing and dimensions of the window, and

only extend downwards. Whilst the proposed alteration would break the horizontal consistent line of openings at that level, given the position of the opening on the rear elevation, slightly separated from the other windows, it is considered that this would not result in harm and preserve the overall character and appearance of the rear elevations. The new Juliet balcony would relate well to the extension below and rear elevation overall.

Objections raised concern about a proposed roof terrace so officers requested it be removed from the proposal. This has been changed to be a Juliet balcony in order to respond to the objections. Given the small projection of the Juliet balcony, there would be no significant impact arising in terms of overlooking to the neighbouring property at no. 19 Maresfield Garden.

The rear dormer has been amended to include an inset balcony. Externally the dormer would maintain the four pane windows and overall dimensions, with the main change being removal of part of the roofslope underneath the dormer to create the balcony. The balcony created would be modest and as the proposal would maintain the proportions as originally granted, it is not considered that any harm would arise to the host building. Overall, the alterations are considered to preserve the character and appearance of the host building, in line with the statutory duties.

The full impact of the proposed development has already been assessed by virtue of the previous approval granted under permission 2020/2938/P dated 16/03/2021. The proposed amendments are therefore considered to be minor-material in the context of the original scheme and do not raise any new issues or alter the substance of the approved development.

The proposal would preserve the character and appearance of the conservation area overall. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area. Consultation responses and the site's planning history were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies G1, A1, A2, A3, A4, D1, D2, H1, H3, H6, H7, DM1, CC1, CC2, T1 and T2 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2019, the London Plan 2016 and The London Plan Intend to Publish 2019.

- 2 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.
- 3 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) 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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 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).
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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



Daniel Pope
Chief Planning Officer