

Application ref: 2022/4985/P
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Date: 19 December 2022

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BNP Paribas Real Estate
5 Aldermanbury Square
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:

**76 Fitzjohn's Avenue
London
NW3 5LS**

Proposal: Amendments (change to condition 6 trigger) to planning permission ref. 2017/1047/P granted 10/06/2019 for the Creation of a single storey basement with light well front and rear, installation of 1 x AC unit within front garden, installation of 3 x roof lights, removal of 1 x palm tree from front garden, alterations to side elevation fenestration, alterations to rear ground floor patio doors and erection of a new fence in the front garden

Drawing Nos: Letter dated 16 November 2022.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purposes of this decision, condition no.6 of planning permission 2017/1047/P shall be replaced with the following condition:

REPLACEMENT CONDITION 6

No below ground works shall take place until a detailed design and method statement for all foundations and other development proposed below ground level which takes account of the nearby Network Rail asset, has been submitted to and approved by the local planning authority in consultation with the relevant rail infrastructure undertaker. The development shall thereafter be carried out in accordance with the approved design and method statements.

Reason: To ensure that the development does not impact on existing strategic transport infrastructure in accordance with the requirements of Policies A1 and T1 of the London Borough of Camden Local Plan 2017 and policies BA1 and BA3 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

1 Reason for granting approval

Permission is sought for amendments to planning permission reference 2017/1047/P which proposed the excavation of a new single storey basement, the installation of an air conditioning unit, three rooflights, alterations to the existing fenestration and associated works.

Permission was granted subject to a condition stating that 'no construction shall take place until a detailed design and method statement for all foundations and other development proposed below ground level which takes account of the nearby Network Rail asset, has been submitted to and approved by the local planning authority in consultation with the relevant rail infrastructure undertaker'. The reason for the condition was to ensure that the basement excavation does not impact on existing strategic transport infrastructure.

This application seeks permission to amend the trigger of this condition so that it is not a pre-commencement condition, but instead, so that the information is required to be submitted prior to any excavation or below ground works in association with the basement extension rather than the development as a whole. This would mean that the more minor works including the installation of an AC unit, rooflights, fenestration, changes to fenestration and the removal of a tree could all be commenced prior to the basement works.

By requiring the detailed design and method statement for all foundations prior to the commencement of the relevant works, the existing transport infrastructure would still be safeguarded as per the original intentions of the condition.

The proposed amendment is considered to be non-material as it does not change the nature or description of development; does not change the application site area, the size or footprint of the extension; does not result in changes to external details that would materially compromise the overall design of the building or materially impact on the character and appearance of the area; does not change windows or doors in any elevation facing any neighbour which may raise issues of greater visual intrusion, loss of light or feeling of enclosure; and does not materially impact on any neighbours or other statutory and non-statutory bodies.

Given the nature of the application as a non-material amendment to a previously approved scheme, no neighbour consultations were undertaken. One response was received prior to determination which was not relevant to the subject of this non material amendment application, and one objection was received which has been duly considered in the attached consultation summary.

The site's planning history was taken into account when coming to this decision. The full impact of the proposed development has already been assessed by virtue of the approved scheme granted on 10/06/2019 under reference 2017/1047/P.

- 2 You are advised that this decision relates only to the changes set out in the description and shall only be read in the context of the substantive permission granted on 10/06/2019 under reference 2017/1047/P and is bound by all the conditions and obligations attached to that permission.

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.

Yours faithfully

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

Daniel Pope
Chief Planning Officer

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