

# Flat A, 45 Lancaster Grove, NW3 4HB (2023/0431/P)



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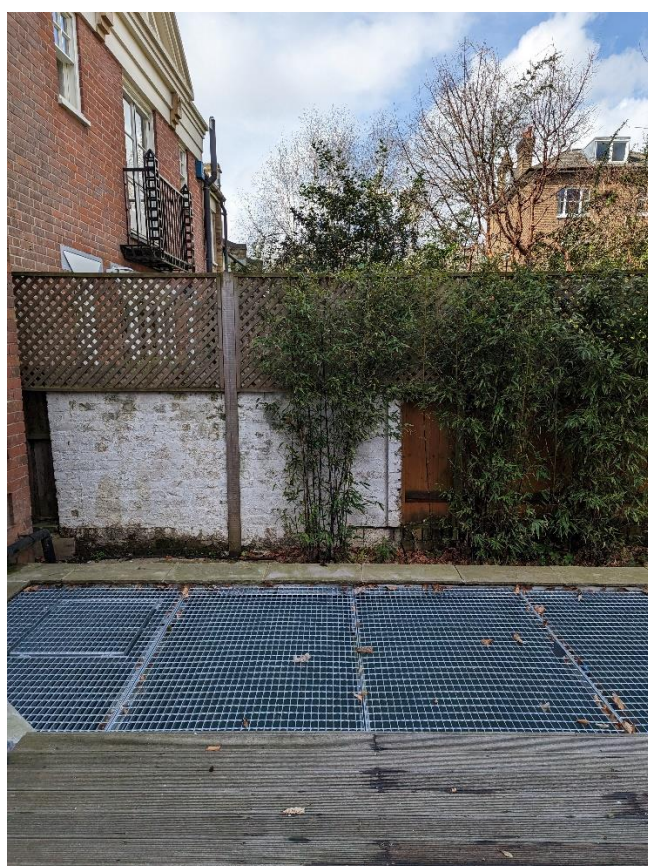


1. Side elevation facing boundary with No.43 Lancaster Grove





2. Rear Elevation



3. Side boundary with No. 43 Lancaster Grove showing the existing brick boundary wall with planted trellis on top.

<b>Delegated Report</b> (Members Briefing)		Analysis sheet		Expiry Date:	28/03/2023
		N/A / attached		Consultation Expiry Date:	05/03/2023
Officer			Application Number(s)		
Sofie Fieldsend			2023/0431/P		
Application Address			Drawing Numbers		
Flat A, 45 Lancaster Grove London Camden NW3 4HB			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Replacement of ground floor western side and rear fenestration					
Recommendation:		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	0	No. of objections	0
			No. electronic	00	No. of comments	00
Summary of consultation responses:	A site notice was displayed on the 08/02/2023 and the consultation period expired on the 04/03/2023. A press notice was advertised on 09/02/2023 and expired on 05/03/2023.  No objections were received from neighbouring properties.					
CAAC and other community groups	Belsize CAAC objected on the following grounds:  “We note that this building makes a positive contribution to the conservation area. The replacement doors and windows should be in timber to match the existing.”  Officer response: See section 3.3					

## Site Description

The site comprises a two storey red brick detached Victorian property that has been sub-divided into 3 self-contained flats. The application relates to the basement and ground floor flat.

The site is located on the north side of Lancaster Grove in close proximity to the junction with Lancaster Drive that lies to the west. This part of Lancaster Grove is characterised by a mixture of detached and semi-detached properties with similarly sized rear gardens that are predominated by vegetation and trees.

The property is located within the designated Belsize Conservation Area (sub area 3: Eton Avenue) that was designated on 01st November 1985. The building has been identified in the Belsize Conservation Area Statement (BCAS) as making a positive contribution to the character and appearance of the conservation area for its group value as part of a number of buildings (nos. 45-71 odds).

## Relevant History

### Application site

**2020/2126/P** - Erection of ground floor rear extension and reinstatement of ground floor rear bay window all in connection with the existing ground floor flat. – **Approved 11/09/2020**

**2018/1153/P** - Erection of ground floor rear extension and reinstatement of ground floor rear bay all in connection with the existing flat (Class C3).- **Refused 05/10/2018. The decision was appealed (ref APP/X5210/W/18/3213405) and the appeal was dismissed on 03/03/2020.**

**2015/2534/P** - Excavation of basement extension to the rear (retrospective) and erection of ground floor rear extension above all in connection with existing flat (Class C3). – **Granted 14/06/2017**

**2012/1510/P** - Excavation of basement extension to rear and erection of rear ground floor level extension above all in connection with existing flat (Class C3) (Retrospective). – **Refused 30/05/2012. The decision was appealed (ref APP/X5210/A/12/2188543) and the appeal was dismissed on 03/03/2014.**

**2007/4905/P** - Excavation of basement level with front light well enclosed by railings and with bridge over to front entrance door all in connection with additional accommodation for the ground floor level flat; as a revision to planning permission granted 21/08/07 (2007/2133/P) which allowed for demolition of existing single-storey rear extension and erection of a new two-storey rear extension at basement and ground floor level for the existing flat. – **Granted 15/01/2008**

**2007/2133/P** - Demolition of existing single-storey rear extension and erection of a new two-storey rear extension at basement and ground floor level for the existing flat. – **Granted 21/08/2007**

## Relevant policies

### **National Planning Policy Framework (2021)**

### **London Plan (2021)**

### **Camden's Local Plan (2017)**

A1 – Managing the impact of development

D1 – Design

## D2 – Heritage

### Supplementary Guidance (2021)

- CPG Home Improvements
- CPG Design
- CPG Amenity

### Belsize Conservation Area Appraisal and Management Strategy (2003)

## Assessment

### 1.0 Proposal

1.1 Planning permission is sought for the replacement of ground floor western side and rear fenestration on the rear single storey extension with critall style aluminium fenestration within the same openings.

### 2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- The visual impact upon the character and appearance of the host property, streetscene and Belsize conservation area (Design and Character)
- Impact on the amenity of adjoining occupiers

### 3.0 Design and Appearance

#### Policy/background

3.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area.

3.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

3.3 The existing full height aluminium painted white with critall style fenestration (spray painted black) in the single storey rear extension will be replaced within the same openings. The Belsize CAAC have objected to the use of metal fenestration. It is noted that the extension is recent, it was approved under ref. 2020/2126/P. It is considered that given its siting to the rear and at a lower level with no public views on a modern extension with existing metal fenestration that this alteration would not be harmful and it would continue to differentiate the extension as a modern addition.

3.4 However, it is noted that a condition was attached to the permission for the extension built ref. 2020/2126/P which secured the fenestration on the western and eastern elevations to be obscure glazed up to a height of 1.7m high and permanently retained and maintained thereafter. This obscure glazing required by condition was never installed and the development is currently in breach of this

condition. It is also observed that fenestration approved in the eastern elevation was not installed and this elevation is blank. There would be no design concerns about the inclusion of a blank elevation on the eastern elevation, nor the windows being transparent which were required to be obscured as per the condition attached to the 2020 planning permission. Amenity matters are addressed in the next section.

3.5 The proposal would not harm the character or appearance of the host property, mews nor wider Belsize Conservation area.

#### **4.0 Amenity impact on neighbouring properties**

4.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

4.2 As noted above the extension's fenestration has not been installed in line with the granted permission ref. 2020/2126/P.

4.3 Condition 8 secured the following:

'The ground floor windows and double doors on the western and eastern side elevations of the proposed extension hereby approved shall be obscure glazed to an internal height of 1.7m and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.'

4.4 In the officer's reason for granting permission, it was stated that:

*"The windows in the western elevation would be approx. 5.8m from the boundary of the neighbouring property at no. 43a and the windows in the eastern elevation would be 1.5m from the boundary with no. 47. Due to the orientation and stepping of the buildings the windows would not provide direct views into neighbouring windows or gardens. However, a condition would be attached to any permission to obscure glaze the windows in the western side elevation to restrict light spill and this would also remove the potential for any further overlooking from these windows."*

4.5 This condition was in response to a previous refusal (ref. 2012/1510/P) for a larger 10m deep extension where the planning inspector found the expanse of glazing more harmful. It is acknowledged since this refusal the depth of the as built and approved rear extension was reduced down to 6m and wouldn't have afforded the same degree of overlooking and light spill as determined by the inspector for a deeper extension.

4.6 In addition, following a site visit it was observed that these glazed side elevations would face onto a brick wall with a planted trellis on top and officers consider that unobscured fenestration in this location would not result in harmful overlooking or loss of privacy given the boundary treatment and the separation distance to the boundary. It is acknowledged that the large area of glazing in the side elevation of the existing rear extension does result in moderate light spill but installing obscure glazing up to a height of 1.7m would have provided limited mitigation to this, therefore on balance it is considered that clear glazing in this location would not be harmful. No objection was received from the neighbour at No.43a to the proposal.



4.6 The development would not result in loss of light or a sense of enclosure.

## **5.0 Conclusion**

5.1 The development is considered to preserve the character and appearance of the host property, mews and wider Belsize Conservation Area.

## **6.0 Recommendation**

6.1 Grant conditional planning permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 3<sup>rd</sup> April 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2023/0431/P  
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# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Flat A**  
**45 Lancaster Grove**  
**London**  
**NW3 4HB**

# DECISION

Proposal:

Replacement of ground floor western side and rear fenestration

Drawing Nos: Site location plan; PL\_GF.01; EL\_01; EL\_03 (existing); EL\_03 (proposed); EL\_04 and Letter from Bell Cornwell dated 13/3/23.

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 plans:

Site location plan; PL\_GF.01; EL\_01; EL\_03 (existing); EL\_03 (proposed); EL\_04 and Letter from Bell Cornwell dated 13/3/23.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 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](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:

<https://www.gov.uk/appeal-planning-decision.>

Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**