

FAO Jennifer Dawson

Dear Ms Dawson,

Application address: 3 Belsize Mews, London, NW3 5AT

Application reference: 2023/3257/P

Proposal: Loft extension including new terrace area.

I am writing on behalf of my client in objection to the above planning application. My client owns and occupies the adjacent property at No.4 Belsize Mews and would be both directly and detrimentally affected by the proposed development.

Summary of objection

This letter details objections based on the following material planning considerations:-

- i. Design and heritage
- ii. Amenity

Legislation/Planning Policy

Planning (Listed buildings and Conservation Areas) Act 1990

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The requirement to give 'special regard' is not merely a matter of procedure. It requires considerable importance and weight to be given to heritage harm. Case law sets out that, where there is harm to a

designated heritage asset, it is not sufficient simply to balance that harm as another material consideration with the benefits of the proposal. It requires more.

These requirements are echoed in national and local planning policy guidance. The NPPF requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and significance of the heritage asset. Decision makers are required to give great weight to any harm to the significance of a heritage asset.

Planning and Compulsory Purchase Act 2004

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (2023)

Section 12 of the National Planning Policy Framework (NPPF) refers to well-designed places. Paragraph 130 (c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Section 16 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of heritage assets, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paragraphs 199-208). Paragraph 202 states that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Local Planning Policy

The adopted Development Plan for the London Borough of Camden comprises of the London Plan (2021), the Local Plan (2017) and the Camden Planning Documents and Guidance. The CPGs appropriate to this application are Home Improvements (2021) and Amenity (2021).

Planning History

On 07 January 2003 at 6 Belsize Mews, planning permission (ref: PWX0202051) was refused for the erection of a roof extension at second floor level to provide additional accommodation for the existing house. The application was refused by reason of its bulk, form, detailed design and facing materials being harmful to the character and appearance of the building and the group of buildings in Belsize Mews of which it forms part. The council considered that the proposal failed to preserve or enhance the character or appearance of this part of the Belsize Conservation Area.

The reason why this refused application is relevant is that the proposed development in question sits in the same group of buildings associated with No.6 and seeks to create a very similar pattern of development. It is noted further that the conservation area appraisal has not been updated since the refusal and design and heritage policies remain consistent through updated local plans.

More recently, planning permission was granted at 7 Belsize Mews on 23 May 2014 (ref: 2014/1650/P) for the erection of rear dormer extension incorporating three rooflights. The delegated report states that the original proposal was for the creation of a front and rear dormer window however the front dormer window was perceived to have a detrimental impact on the character and appearance of the street scene and wider conservation area, contrary to the Belsize Conservation Area Statement. To address these concerns and policy constraints the front dormer was removed from the proposed development.

Detailed Objections

i. Design and heritage impact

Policy D1 of the local plan provides further detail on local requirements and, importantly, states that the council will require that development respects local character and context, guidance that is consolidated by Camden Planning Guidance on Design.

Policy D2 of the Local Plan states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and Listed Buildings. The aims of these policies are further reflected in London Plan Policies D4 (Delivering Good Design) and HC1 (Heritage Conservation and Growth).

The proposed development sits within a private mews on the edge of the Belsize Park Conservation area. The conservation area appraisal highlights the mews as an attractive and appropriately scaled 1980s housing development. The application site currently identifies with a group of dwellings (Nos 3-6) to the southwest boundary of the mews, consisting of two storey properties with pitched roofs (No.3 and No.6) and Nos. 3-4 distinctly step out from the front elevation with setback dormers, typical of the associated mews. The form of the existing site currently coincides with No.6 Belsize Mews and the Belsize Conservation Area Statement states that roof extensions will normally be allowed only if sensitively designed in relation to the building and other adjacent roofs.

As outlined above, the existing site has a pitched roof and benefits from its symmetrical relationship with No.6. The proposed development seeks to create an asymmetrical front elevation roof dormer and this would be defined by the Home Improvement CPG as '*a window that project out of a sloping roof*'. Figure 1 below (outlined in red) helps articulate this form of development at the proposed site. The proposed development does not correspond with any other development within the mews or immediate area and this alone creates an adverse impact on character and appearance of the site, mews and conservation area.

Belsize Conservation Area Statement states that as a result of the consistent roofscape, inappropriate dormers are particularly jarring. It is noted that the Statement had already been adopted when

development at No.7 Belsize Mews was amended to remove the front dormers in order to achieve an approval, as outlined within the delegated report (ref: 2014/1650/P). It is therefore considered that the proposed front dormer of the proposed development would create an asymmetrical roof formation that is not cohesive within the surrounding mews and would also result in the loss of a pitched roof which is defined within the conservation area as an important and key characteristic

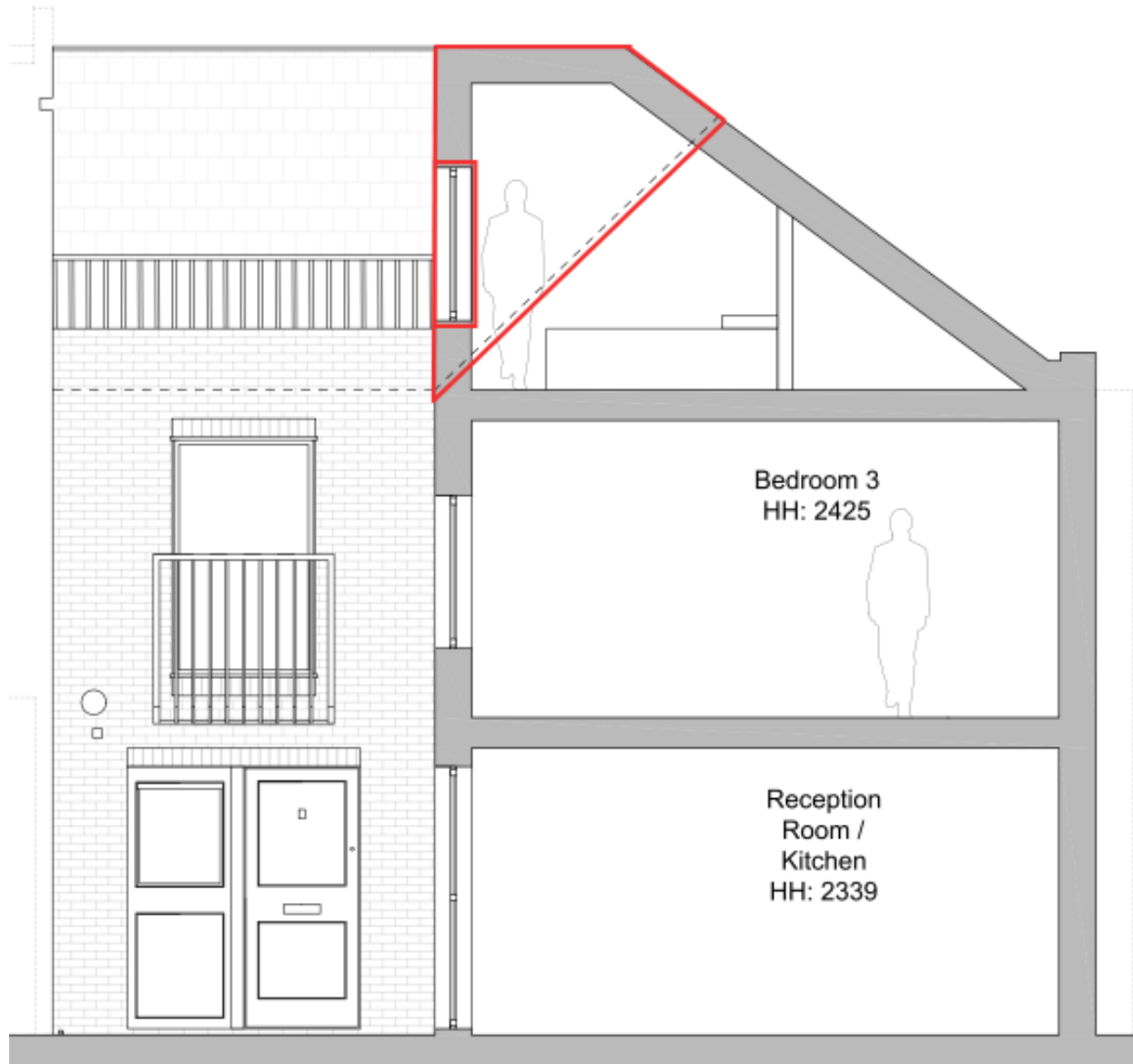


Figure 1 - Screenshot taken from the proposed north elevation. The dotted line shows the existing pitched roof with window as proposed

In addition, the application site is one of the few properties that can be seen from the public realm and wider conservation area as shown in figure 2 below. This means that the impact of any proposed development will be substantially greater on the wider setting of the area. The proposed front dormer will be highly visible in the public realm and will have a detrimental impact on the character and appearance of the associated conservation area.

This was also outlined in the pre application advice. It is worth noting that application referenced PWX0202051 was not visible from the surrounding public realm and its impact on the associated conservation area was still found to be harmful.



Figure 2 - Photo taken from Belsize Avenue looking into Belsize Mews, particularly No.3 Belsize Mews.

Turning to the proposed terrace, the Home Improvements CPG states that balconies should preserve the roof form, be set in within the roof slope or pitched roofs and handrails / balustrades should be set back from behind the building line or parapet.

The proposed development does not comply with any of the guidance set out within the Home Improvements CPG. The proposed terrace will remove the existing roof formation that is visible from the immediate mews and identified within the conservation area appraisal as a key characteristic. The proposed balustrade will also sit at the edge of the proposed terrace, not being set back from development, meaning it will have a significant visual impact as well as amenity impact as discussed below.

ii. Amenity

CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Further guidance is provided in CPG Amenity which sets specific standards of development.

Overlooking / privacy

The proposed extension and associated terrace would be directly adjacent and opposite a habitable window of our client's property. Camden's amenity CPG (2021) states that to ensure privacy, a minimum of 18m metres between the windows of habitable rooms in existing properties directly facing the proposed development, assuming a level topography, is required. In instances where building heights, design or topography mean that opportunity for overlooking would be increased, it is advisable to increase this separation distance. The 18m should be measured between the two closest points on each building (including balconies).

Figure 3 below shows the proposed site from the habitable window in question and highlights the increased amount of overlooking that will be created by the proposed terrace.

Amenity CPG states that where separation of 18m cannot be achieved, mitigation measures should be incorporated to ensure overlooking is reduced. It goes on to state that balconies and roof terraces should be carefully sited and designed to reduce potential overlooking of habitable rooms.

The proposed development fails to consider the overlooking and privacy impact on my client's habitable window, worsening the degree of overlooking to this window. No mitigation or careful planning has gone into the proposed development as outlined within the Amenity CPG. It is envisioned that there is no mitigation that can be provided that would be both acceptable in regard to overlooking/loss of privacy or design/character/heritage grounds. The matter of overlooking and privacy was also raised in the pre application advice as a point of concern and has not been properly addressed by the applicant.

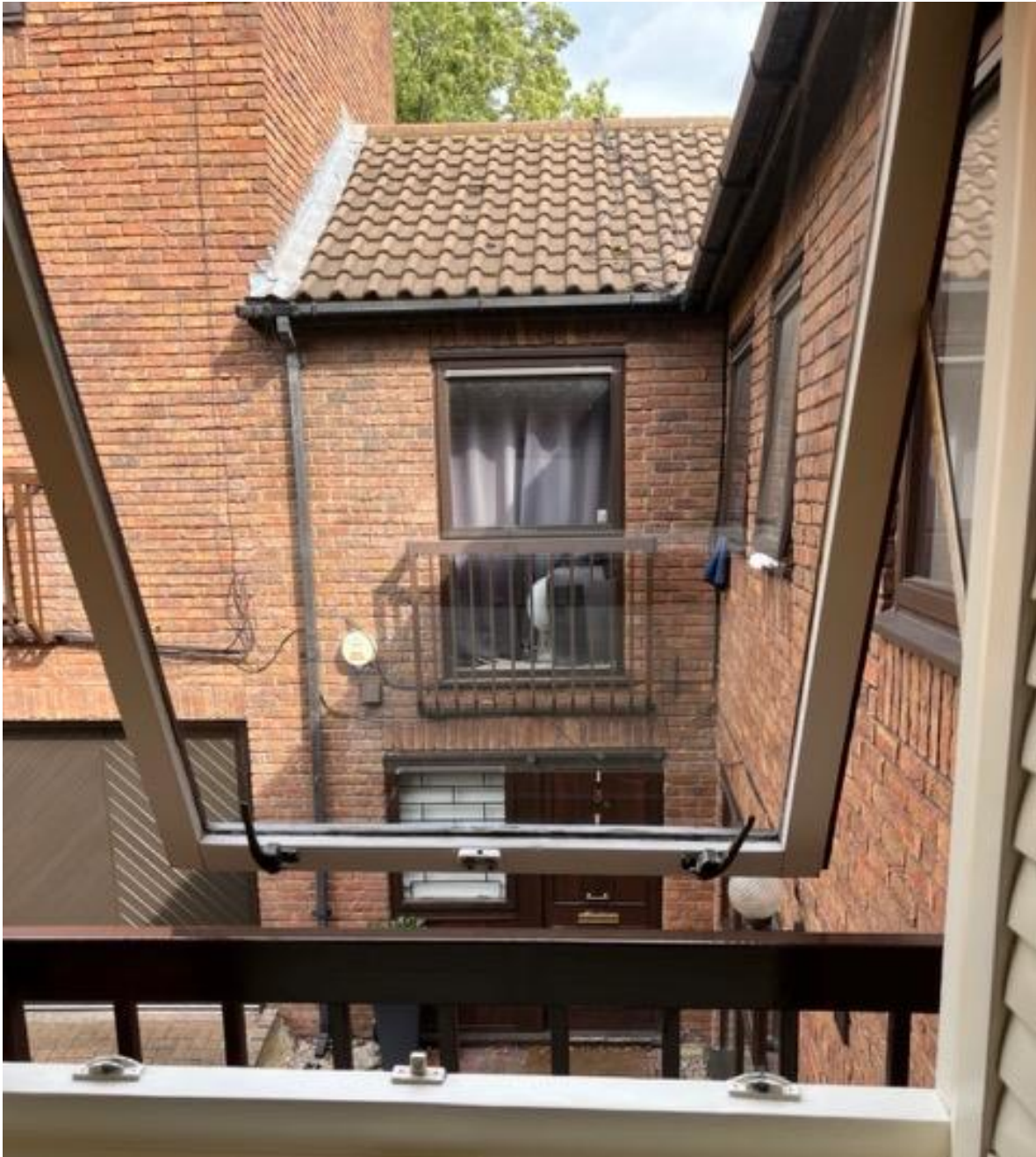


Figure 3 - Photograph taken of the proposed site (No.3 Belsize Mews) from a first-floor habitable window within No.4 Belsize Mews

Overbearing / sense of enclosure

The proposed development will create added built form adjacent to the existing habitable room on the east boundary. The bulk and massing of the proposed extension would therefore be directly adjacent to a habitable room (as shown above), extending above this room. The proposed extension would thus appear bulky and overbearing from the perspective of these windows resulting in further detrimental impacts.

Sunlight and daylight

Given the orientation of the site, the existing property at No.4 is already constrained and receives minimal sunlight and daylight. The proposed development would exacerbate this situation, particularly in the AM hours from the east. The heightened terrace and proposed extension directly next to the habitable window will create a sense of enclosure and would significantly reduce levels of sunlight and daylight.

This deficiency in natural light will have a negative impact on health and wellbeing and will increase the need for artificial light and heating which will also have a negative impact on the energy efficiency of the property. This matter has not been addressed in the design and access statement nor is the application supported by a sunlight and daylight assessment and therefore a decision cannot be made until it is confirmed that the proposed development will not have a negative impact on my client's property.

Summary

For the reasons outlined above, the proposed development is considered to conflict with the adopted development plan. It has been demonstrated that the proposed works will create an unacceptable form of development which will in turn have a negative impact on the historic value of the site. The proposed development will also have a negative impact on the amenity of neighbouring property, No.4 Belsize Mews. There are no material planning considerations that outweigh the identified conflicts with the adopted development plan. In addition, it is considered that the incorrect notice has been served within the application and therefore, the application is procedurally invalid.

The council are therefore respectfully requested to reject the application. If there are any questions or required points of clarification, please contact me as soon as possible.

We reserve the right to expand upon this objection letter in response, as necessary, to any further submissions made by the Applicant.

Yours sincerely

Louis Brewer