

Application ref: 2023/4775/P
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Mr Gerald Long
9 Dognell Green
Welwyn Garden City
AL8 7BL

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

16 Rose Joan Mews
London
NW6 1DQ

Proposal:

Variation of condition 3 (approved plans) of planning permission 2021/1242/P dated 13/07/2021 (for change of use of part ground floor from retail to residential), namely to amend the fenestration and replace external staircase with first floor balcony.

Drawing Nos: 116.RJM.P.200 Rev B; 16RJM.P.201 Rev B; 16RJM.P.202 Rev C;
Design and Access Statement dated January 2024 - Rev.A dated 10.04.2024; cover letter by Wildstone Planning dated 16/03/2021

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 the original planning permission ref: 2021/1242/P dated 13/07/2021.

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 of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2019.

3 REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans-

116.RJM.P.200 Rev B; 16RJM.P.201 Rev B; 16RJM.P.202 Rev C;
Design and Access Statement dated January 2024 - Rev.A dated 10.04.2024;
cover letter by Wildstone Planning dated 16/03/2021

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

- 4 The existing rear window within the closet wing of the first floor flat (Flat 3, 80 Fortune Green Road), as shown in drawing no. 16RJM.P.202 Rev C hereby approved, shall be replaced with a window that is obscure glazed and fixed shut prior to commencement of the use of the ground floor and courtyard as residential, and permanently retained as such.

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

- 5 Prior to first residential occupation of the ground floor of 16 Rose Joan Mews, details of a secure and covered cycle storage area for 2 long-stay cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety, 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 and policy 8 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 6 Before the relevant part of the work is begun, detailed plans, elevations and specifications of facing materials of the refuse store shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall be carried out in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 7 The proposed rear windows at the first floor of 16 Rose Joan Mews shown in drawing no. 16RJM.P.202 B, hereby approved, shall be obscure glazed and fixed shut prior to commencement of the use of the ground floor and courtyard

as residential, and permanently retained as such.

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

Informative(s):

1 Reasons for granting permission-

The application site is located to the rear of 80 Fortune Green Road and fronts Rose Joan Mews, a residential mews accessed from and running parallel to Fortune Green Road.. The site is within the Fortune Green and West Hampstead Neighbourhood Plan Area and is not designated as a heritage asset.

The original planning permission ref 2021/1242/P dated 13/07/2021 subdivided the retail unit at ground floor level and included the change of use of the rear ground floor to additional residential accommodation for the existing maisonette at first and second floor levels. The original permission included alterations to the elevation fronting Rose Joan Mews, including the removal of the existing external access staircase and replacement with a new entrance to the dwelling at ground floor level.

This variation seeks to amend the approved fenestration and replace the external staircase with a first-floor balcony and create a boundary partition between the two units within the rear courtyard.

The boundary partition will be formed of a 2.15m high brick wall within the courtyard between the front and rear properties, following the demolition of the connecting covered courtyard and enclosing an open area accessed from each site. Given the relationship between the application site and original host building, while this results in a small amenity area, it provides a private outside space for each unit and completes the separation of the commercial and residential units.

The amendments to the front elevation at ground floor level alter the full height glazed double doors to one door and two windows and at first floor level alter the window and door arrangement within the existing opening at first floor level. The amended fenestration would be in keeping with the residential neighbouring properties along the mews. While it would create an active frontage, it would increase privacy for the occupants with the reduction of glazing and is therefore acceptable in design terms.

The existing external staircase will be removed and replaced with a balcony, which provides better amenity space. As the staircase is now redundant the removal of its supporting structure is welcome. The proposed black painted steel balcony would sit between the adjacent flank walls of the neighbouring properties and project no more than the existing landing.

A new aluminium framed window would be added to the rear elevation at first floor level to increase light to the bedroom. This would be obscured glazed and

fixed shut to prevent overlooking to the rear of no. 80 Fortune Green Road. Given the proposed fenestration are mainly within the existing openings, they would not significantly worsen the existing or approved windows and doors. Overall, the proposals would not be harmful to neighbouring residential amenity in terms of loss of privacy, daylight, or outlook.

All pre-commencement and compliance conditions are carried over from the original decision. This permission includes an additional compliance condition for the new rear window.

The full impact of the proposed scheme has already been assessed by virtue of the original permission ref: 2021/1242/P dated 13 July 2021. In the context of the approved scheme, the proposed amendments are minor and would not raise any new issues or alter the substance of the approved scheme.

No objections have been received prior to making this decision. The planning history of the site has been considered when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1, D3, C5, C6, H6, H7, CC5, TC2 and T1 of the Camden Local Plan 2017 and policies 2, 8 and 15 of the Fortune Green and West Hampstead Neighbourhood Plan 2019. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).
- 3 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).
- 4 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.

- 5 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.

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>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer