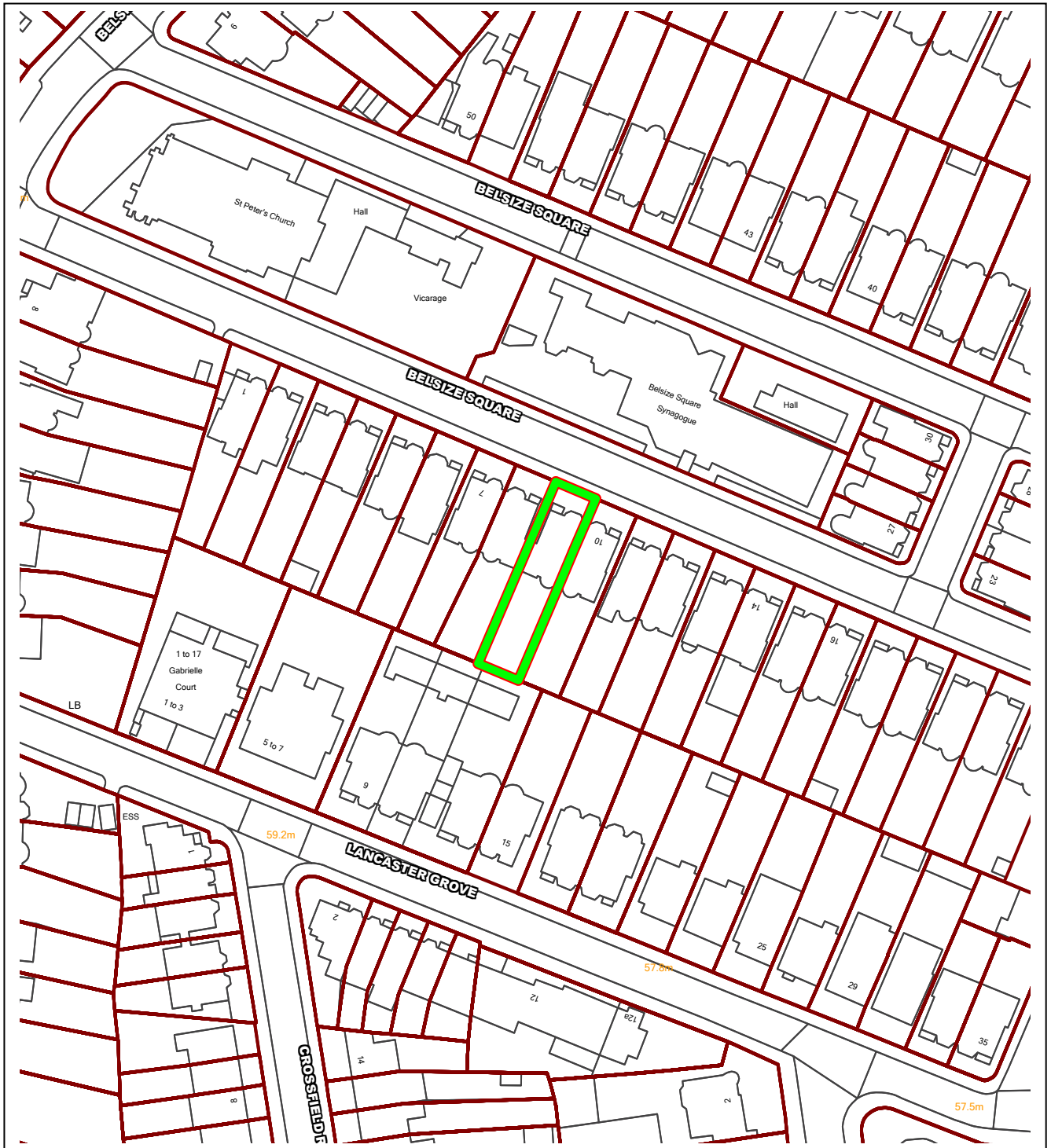


2023-2401-P Flat 1, 9 Belsize Square



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2023/2401/P – Flat 1 9 Belsize Square Photos



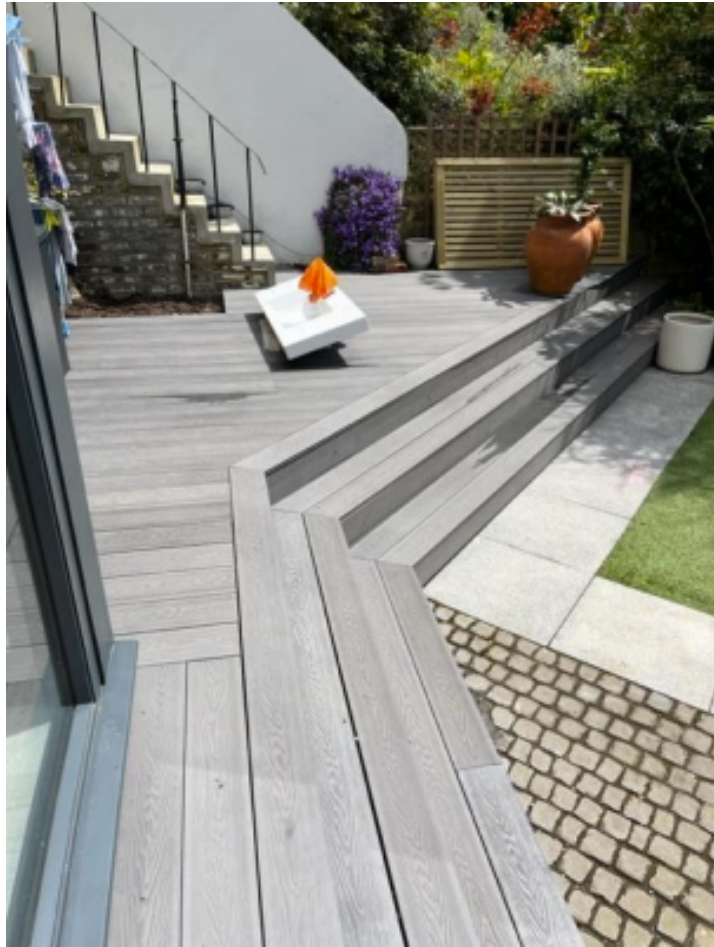
Rear garden viewed from upper ground floor flat (prior to the lower ground floor rear extension and associated decking) - 2021



View from balcony of upper ground floor flat (including triangular area of enlarged decking) – 2024



Application proposal – triangular area of decking close to boundary with 10 Belsize Square



Side view of 9.4 sq m area of decking to be retained

Delegated Report		Analysis sheet	Expiry Date:	12/06/2024
(Members Briefing)		N/A / attached	Consultation Expiry Date:	19/05/2024
Officer			Application Number(s)	
Adam Greenhalgh			2023/2401/P	
Application Address			Drawing Numbers	
Flat 1, 9 Belsize Square London NW3 4HT			<i>Refer to decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retrospective planning permission for enlarged/additional external decking area to lower ground floor flat (enlarged/additional to planning permission 2018/2977/P granted 09/04/2019)				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	<i>Refer to Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	<p>Site notices were displayed outside of No.9 Belsize Square and outside No.13 Lancaster Grove on 29/03/2024 (consultation end date 22/04/20124).</p> <p>The development was also advertised in the local press on the 28/03/2024 (consultation end date 21/04/2024) and again (with an amended description of development) on 25/04/2024 (consultation end date 21/04/2024).</p>			
Adjoining Occupiers:	No. of responses	6	No. of objections	6
Summary of consultation responses:	<p>Letters of objection received from 6 neighbouring residents in Belsize Park, including occupiers of upper ground floor flat at site.</p> <p>Objections raised relate to:</p> <ul style="list-style-type: none"> - Harm to character and appearance of Conservation Area - Harm to amenity of neighbouring residents (including light pollution, noise, loss of outlook) - Non-compliance with planning permission for previously approved scheme – 2018/2977/P <p><i>NOTE: When initially submitted, the application for retrospective planning permission included external lights on the extension approved under planning permission 2018/2977/P. However, these were removed during the course of the application assessment and the application drawings were amended accordingly. Any reference to the external lights in the consultation responses has therefore discounted from assessment.</i></p> <p><u><i>Planning Officer response to objections:</i></u></p> <p><i>Harm to character and appearance of Conservation Area – See ‘Design and Conservation’ below</i></p> <p><i>Harm to amenity of neighbouring residents (including light pollution, noise, loss of outlook) - See ‘Residential Amenity’ below</i></p> <p><i>Non-compliance with planning permission for previously approved scheme – 2018/2977/P - See ‘Other Matters’ below</i></p>			
Belsize Park Conservation Area Advisory Committee	No objections			

Site Description

No.9 is a large Victorian town house located to the east side of Belsize Square. It is separated into 6 flats and the application site relates to the lower ground floor flat. Specifically, the application relates to the approximate 4.5m depth of external decking which has been formed and was approved alongside the single storey rear extension for the lower ground floor flat (planning permission 2018/2977/P - approved 09/04/2019).

The area comprises large semi-detached Victorian town houses of similar size and design. The subject site is within Belsize Conservation Area and is a positive contributor.

Relevant History

No.9 Belsize Square:-

2018/2977/P - Erection of a lower ground floor single storey rear extension to the existing self-contained flat – granted 09/04/2019

2015/5644/P - Addition of a side dormer to roof slope in connection with residential flat (Class C3) – Refused on 08/03/16.

2014/4900/P - Erection of single storey garden house – Granted – 03/12/14.

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage
- CC3 Water and flooding

Camden Planning Guidance:

- CPG – Design (2019)
- CPG – Amenity (2018)

Belsize Conservation Area Statement 2003

Assessment

1. The proposal

1.1. Retrospective planning permission is sought for the retention of a 9.4 sq m area of additional decking (added to the decking approved under planning permission 2018/2977/P). The decking has been added to the approved decking close to the boundary with 10 Belsize Square and additional steps (3) have been formed from the decking to the garden. The proposal and the approved decking are of a composite material.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design and conservation
- Residential amenity
- Sustainability

3. **Design and Conservation**

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 'design' are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.2. The enlarged area of decking, which is shown as measuring 9.4 sq m in area, does not detract unduly from the existing character or appearance of the building or its significance in the Conservation Area. Situated on an existing paved area and adjoining the previously approved decking, it does not harm the character or appearance of the building or the significance of the Conservation Area. There is no significant loss of grassed garden space and the architectural character and heritage significance of the building are not impaired.



3.3. The letter from the neighbouring occupiers at the site notes that the decking is composite and not of timber as shown on the original scheme (2018/2977/P). Given the siting and appearance to the rear of the property, the composite decking is not considered to harm the character or appearance of the Conservation Area.

3.4. No objections have been received from the Belsize Park Conservation Area Advisory Committee. The Council's Conservation Officer has also raised no objections to this proposal.

3.5. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4. Residential Amenity

4.1. Policy A1 'managing the impact of development' of the Local Plan 2017 seeks to protect the

amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 also seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

Overlooking

- 4.2. The enlarged decking area does not result in significantly increased or unacceptable overlooking of the balcony or living room windows of the upper floor flat or any other flats. It is sited within the garden where existing users can see surrounding balconies and rooms from a range of viewpoints. Notwithstanding the existing situation, the area of enlarged decking sits approximately 3m below the balcony of the upper ground floor flat. At a (minimum) distance of 3m from that balcony there would not be a significantly increased instance of overlooking than the pre-existing situation (before the enlarged decking was formed) or the existing situation (from the existing garden area). As such, the extended deck is considered not to result in direct overlooking of the upper ground floor balcony or any adjoining room with an unacceptable invasion of privacy.

Daylight & Sunlight

- 4.3. The enlarged area of decking is not large enough to overshadow any neighbouring habitable rooms or adjoining occupier gardens.

Outlook

- 4.4. The extended area of decking does not result in any significant loss of outlook for any neighbouring residential occupiers. Situated at lower ground/garden level and extending over an area of 9.4 sq m, the decking does not harm the aspect from any neighbouring rooms or gardens. There is no loss of green grassed space and the development does not obscure the openness from any windows, balconies or gardens.

Noise

- 4.5. Noise from the extended area of decking is not expected to be excessive. The enlarged area of decking measures 9.4 sq m and the use in association with the lower ground floor flat would not be significantly more noisy than existing noise levels from the site. The application therefore cannot be refused on grounds of being likely to cause unacceptable new noise or disturbance.

5. Sustainability

- 5.1. The area of additional decking sits on a previously paved area within the rear garden. It does not result in the loss of any natural grass or vegetation. Furthermore, it does not affect the drainage potential or future biodiversity potential of the site. There is therefore no conflict with policies A3 or CC3 of the Local Plan.

6. Other Matters

- 6.1. The letter from the occupiers of the upper ground floor flat notes that under planning permission 2018/2977/P the decking was permitted at two steps in height. The current application shows three steps to the decking. Under planning permission 2018/2977/P the two steps to the decking measuring approximately 605mm in height.



Planning permission 2018/2977/P – Approved rear elevation

6.2. Under the current proposal the decking would be three steps up. These are also shown as measuring 605mm in height. As such, (as discussed in ‘Design and Conservation’ and ‘Residential Amenity’ above) there would be no adverse effects on the character or appearance of the Conservation area or the amenity of any neighbouring occupiers as the overall height of the decking and steps would not change.



Current application 2023/2401/P – As constructed (and proposed) rear elevation

6.3. The letter from the neighbour also questions the need for the enlarged decking. The need for a development is not a planning consideration for a development which is acceptable in land use terms. The letter questions the safety of the decking for users. The issue of safety of use of land or buildings is not a material planning consideration on private residential land.

6.4. The letter from the neighbour advises that the layout of the approved scheme under 2018/2977/P has changed and the development is not in accordance with the approved drawings. The point is made that the extension was proposed to comprise a dining room, with the kitchen being in the existing building. The kitchen has been formed in the extension and consequently, it is alleged that there is increased disturbance and light pollution (from the kitchen). Notwithstanding the fact that this matter should be investigated separately and is not material to the considerations in question, there is no condition requiring 2018/2977/P to be retained exactly in accordance with the approved drawings and the internal reconfiguration of the approved extension does not need planning permission.

6.5. The letter from the neighbour advises that LED strip lighting has been installed on the decking. This is not shown on the application drawings which are under consideration. An informative will

therefore be added (should planning permission be granted) to advise that this lighting is not included in the planning permission, that it may require planning permission and that a separate application may or should therefore be submitted.

6.6. The effects on outlook of the remodelled garden are not a matter for consideration under this application.

7. Conclusion

7.1. The retention of an additional area of 9.4 sq m to the decking approved as part of planning permission 2018/2977/P does not result in any harm to the character or appearance of the Conservation Area or the amenity of any neighbouring occupiers. There are no significant impacts on the sustainability of the site in terms of biodiversity or natural drainage capacity (in accordance with policies A3 and CC3 of the Local Plan). The development is sufficiently consistent with the approved scheme under planning permission 2018/2977/P and as there would be no significant material effects on any planning considerations, planning permission should therefore be granted.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Tuesday May 27th, 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 and search for 'Members Briefing'

Application ref: 2023/2401/P
Contact: Adam Greenhalgh
Tel: 020 7974 6341
Email: Adam.Greenhalgh@camden.gov.uk
Date: 23 May 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Kasia Whitfield Design
90A Fellows Road
Belsize Park
London
NW3 3JG
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 1
9 Belsize Square
London
Camden
NW3 4HT

DECISION

Proposal: Retrospective planning permission for enlarged/additional external decking area to lower ground floor flat (enlarged/additional to planning permission 2018/2977/P granted 09/04/2019)

Drawing Nos: BS9/3 EX01- 100 A Floor Plan prior to construction, BS/9 EX02 A Rear Elevation prior to construction, BS/9 PP02 A Rear Elevation as constructed, BS/9 PP03 Floor Plan & Section as constructed, BS9/3 PP01- 100 B Floor Plan as constructed, Design & Access Statement (rev A)

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 should be in accordance with the following approved document and drawings:

BS9/3 EX01- 100 A Floor Plan prior to construction, BS/9 EX02 A Rear Elevation prior to construction, BS/9 PP02 A Rear Elevation as constructed, BS/9 PP03 Floor Plan & Section as constructed, BS9/3 PP01- 100 B Floor Plan as constructed, Design & Access Statement (rev A)

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

- 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.

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) 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 This consent relates to the enlarged (triangular) area (9.4 sq m) of decking only, shown on application drawing BS9/3 PP01-100 B, only. Any lighting which has or is attached thereto may need planning permission, and if would require a separate application.

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 2023.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer

DRAFT

DECISION