

Application ref: 2024/0320/P
Contact: Fast Track GG
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Date: 10 September 2024

Development Management
Regeneration and Planning
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Studio M R
92 Prince of Wales Road
London
NW5 3NE

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

83 Belsize Park Gardens
London
NW3 4NJ

Proposal:

Installation of a vehicle gate and new brick pier to match existing and relocation of bike store.

Drawing Nos: BPG-P3-X-001.A; BPG-P3-X-910.A; BPG-P3-910.B; BPG/X/DA/03 (Design and Access Statement dated January 2024) (x2 pages); Notice of planning submission from Mr Mark Ruthven to Damian Quinn dated 21.08.2024; Arboricultural Survey, Impact Assessment & Method Statement Report dated August 2024 (x30 pages).

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: BPG-P3-X-001.A; BPG-P3-X-910.A; BPG-P3-910.B; BPG/X/DA/03 (Design and Access Statement dated January 2024) (x2 pages); Notice of planning submission from Mr Mark Ruthven to Damian Quinn dated 21.08.2024; Arboricultural Survey, Impact Assessment & Method Statement Report dated August 2024 (x30 pages).

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.

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the Arboricultural Survey, Impact Assessment, and Method Statement Report dated August 2024 by Marcus Foster Arboricultural Design and Consultancy. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of the relevant works, full details of hard and soft landscaping (including the replacement tree in the front garden) and means of enclosure of all un-built, open areas shall have been submitted to and approved by the local planning authority in writing. Such details shall include:
- a five year maintenance plan for the replacement Amelanchier Arborea "Robin Hill" Tree in accordance with BS8545:2014.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All hard and soft landscaping works, including the replacement tree in the front garden (as specified by details pursuant to condition 5), shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following installation of the gate. Any trees or areas of

planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The application site comprises a three storey, semi-detached dwelling within the Belsize Park Conservation Area. The property is considered to make a positive contribution to the Conservation Area in the Belsize Conservation Area Statement.

Of relevance to this application, planning application ref: 2023/3407/P was recommended for approval on 15th February 2024 for No. 81 Belsize Park Gardens for the "change of use from gym (Use Class E) to education use (Use Class F1) together with external alterations. (...) Erection of boundary wall with railings, cycle and bin stores at front of site, including associated hard and soft landscaping works." The application is pending the completion of a Section 106 Legal Agreement.

The party wall between No. 81 and No. 83 Belsize Park Gardens is within the ownership of No. 81. The current application for No. 83, as originally submitted was reliant on the implementation of the previous application for No. 81 (2023/3407/P). Therefore the current application has been amended to include works which were subject to the previous application. This includes rebuilding works to the boundary wall, so that it follows the land ownership boundary. The triangle of land would be landscaped with gravel and would become part of the property's driveway. This area of land includes a Cherry Tree, the removal of which was considered acceptable under the previous application providing a replacement tree was secured as part of that permission. The removal of a Cherry Tree was recommended for approval as part of 2023/3407/P with appropriate replacement.

As the tree to be removed now forms part of the current application site the mitigation of its loss must be considered as part of this application. In order to preserve amenity of the street scene as well as diversity and to contribute to the character and appearance of the conservation area, a replacement tree within the application site front garden is secured by condition as part of this permission. The existing bins and bike storage would be moved slightly to the front elevation allowing for a replacement tree to be planted in the corner closer toward the boundary with the highway. This would allow for the continuation of the row of small trees along many of the front gardens of this section of Belsize

Park Gardens. An Arboricultural Survey, Impact Assessment & Method Statement Report has been submitted to the satisfaction of officers. Nonetheless, a condition has been included relating to details in relation to a five-year maintenance plan for the proposed Amelanchier Arborea "Robin Hill" Tree.

The application also includes the installation of an automatic sliding vehicle gate for the driveway and a new brick pier to match existing which would be constructed on the front boundary. The vehicle gate would be a pair of gates which would slide in opposite directions to operate. This is considered acceptable as the proposed gate would be no higher than the existing timber fence. There would be no increase in parking.

The proposal would not result in harm to the character or appearance of the Belsize Park Conservation Area.

Overall therefore, the proposed works are considered to be sympathetic to the existing appearance of the host property in terms of design, location, size and materials, and would preserve the character and appearance of the building, streetscene and Belsize Park Conservation Area, and as such, is acceptable.

Due to the nature of the proposed works, they are not considered to result in harm to the amenity of neighbouring occupants.

- 2 The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation. The Belsize CAAC did not have any comments to make to the application.

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

As such, the proposal is in general accordance with policies A1, A3, D1 and D2 of the Camden Local Plan 2017, as well as the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 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.

- 5 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.

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-householder-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