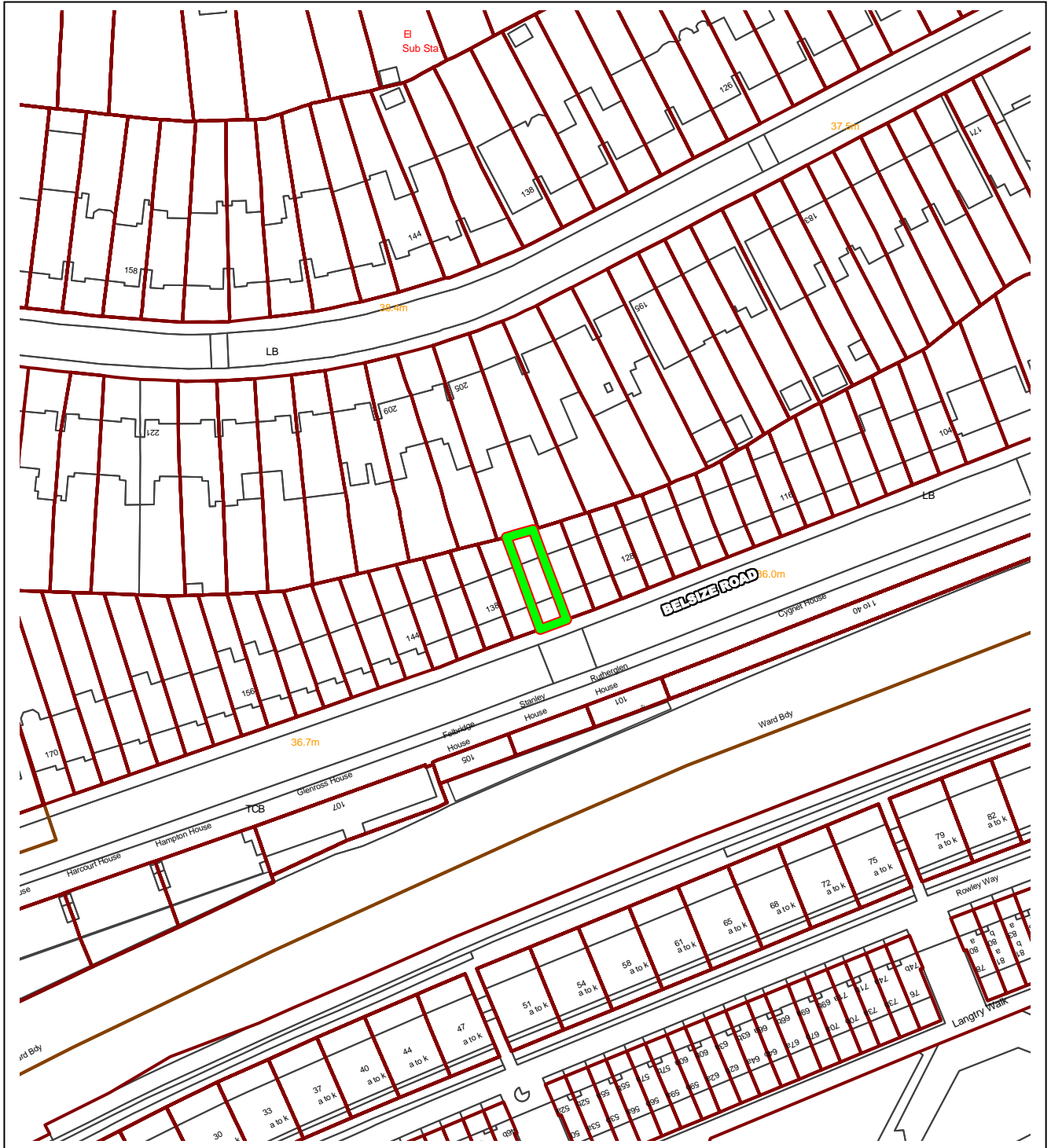


2023/5135/P
134 Belsize Road



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2023/5135/P
134 Belsize Road, London, NW6 4BG

Photos and Plans

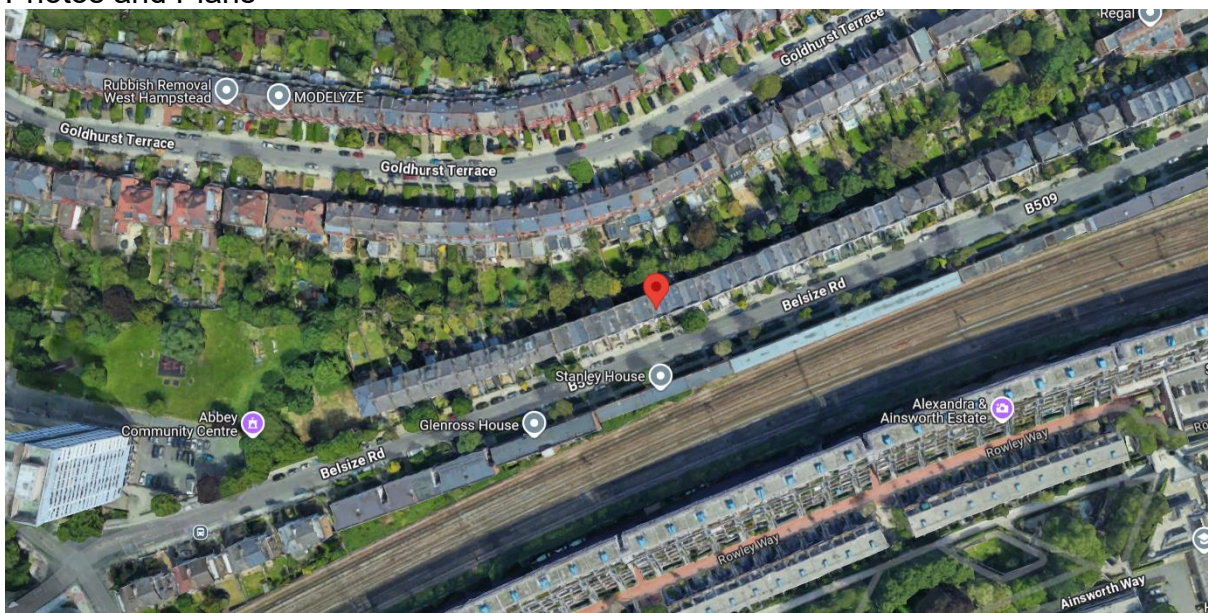


Fig 1. Aerial view of application site identified with red marker.



Fig 2. Street View of application site when viewed from Belsize Road.

2023/5135/P
134 Belsize Road, London, NW6 4BG

Photos and Plans



Fig 3. Existing rear elevation of application site

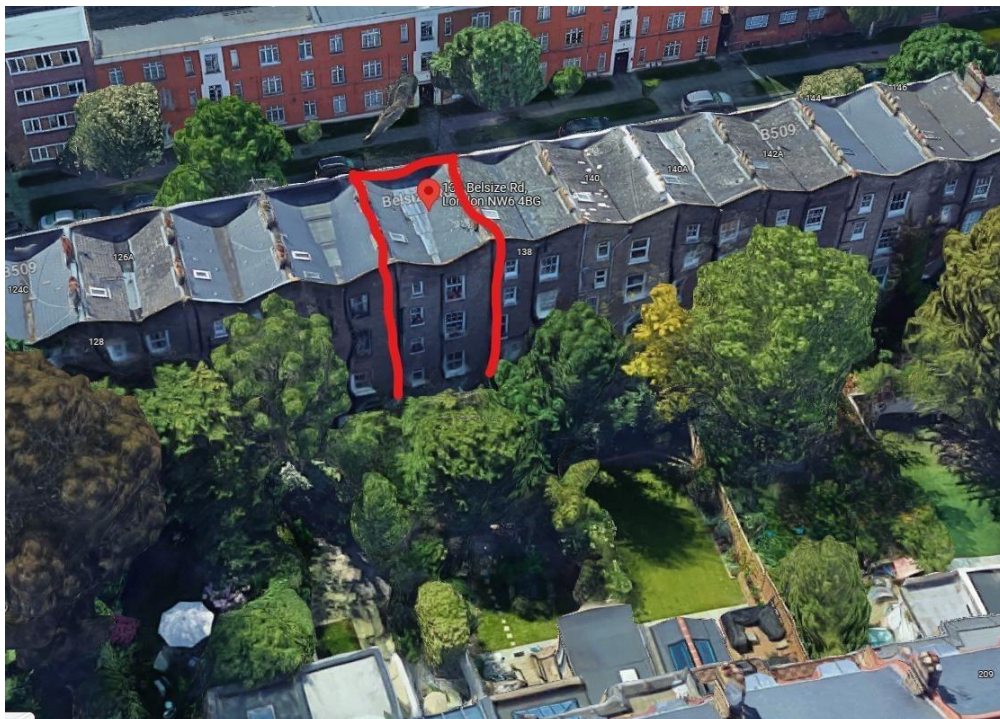


Fig 4. Aerial image of the rear elevation of application site with view of adjoining properties. Site identified with red outline.

Photos and Plans



Fig 5. Existing (left) & Proposed (right) rear elevation

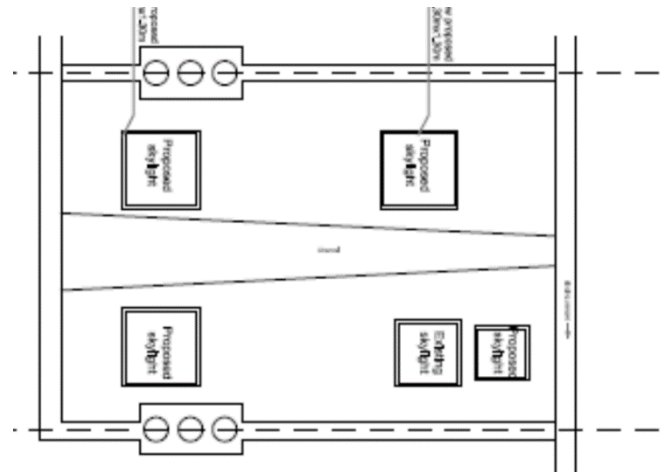


Fig 6. Proposed roof plan (4 rooflights proposed, 1 rooflight is existing and will be retained)

Delegated Report (Members Briefing)		Analysis sheet N/A / attached	Expiry Date: 29/01/2024
			Consultation Expiry Date: 11/02/2024
Officer		Application Number(s)	
Alex Kresovic		2023/5135/P	
Application Address		Drawing Numbers	
134 Belsize Road London NW6 4BG		<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
Proposal(s)			
Proposed alterations to the rear fenestration at ground level with internal alteration and the addition of roof lights on the main roof.			
Recommendation:	Grant conditional planning permission		
Application Type:	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice	
Informatives:		
Consultations		
Summary of consultation:	<p>A site notice was displayed near to the site on 12/01/2024 (consultation end date 05/02/2024).</p> <p>A press notice was advertised 18/01/2024 (consultation end date 11/02/2024)</p>	
Adjoining Occupiers:	No. of objections	Three (3)
Summary of consultation responses:	<p>Objections were received from neighbouring residents; their objections are summarised below:</p> <ol style="list-style-type: none"> 1. The proposal provides access to walk on top the previously approved lower ground extension giving line of sight directly into a large window. 2. The application site will be able to look over the existing garden wall, it also gives line of sight to look back onto all adjacent neighbouring flats along Belsize Road and Goldhurst Terrace which leads to a loss of privacy. 3. The extension is one story above the current garden wall which will completely block direct sunlight. 4. The proposed development extends the lower ground to less than 1.5 meters from the boundary. 5. The proposal will have no inclusion of screening at all for the overlooking that will occur to neighbouring properties. <p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> 1. <i>The rear extension on the ground floor, which was to protrude onto the roof of the approved lower ground floor rear extension, has been omitted from the scheme. The proposal now incorporates a French door with Juliet balcony, a new obscure window, and a 1.8m tall privacy screen on the boundary of both sides. There will be no roof access to the previously approved lower ground extension, and as such, the proposal will protect any such overlooking to neighbouring properties.</i> 2. <i>The existing rear building face has a large window on the ground floor overlooking the rear garden on the application site and neighbouring properties. So, if the proposal was not to be proposed, the potential for overlooking is already established and is reciprocated from neighbouring buildings with similar rear elevations and windows on the ground, first and second floors. The proposal provides a 1.8m tall privacy screen to protect any such additional opportunities for overlooking.</i> 3. <i>The single storey ground floor extension does not form part of this proposal and was granted under planning permission 2023/0655/P.</i> 4. <i>As per point 3.</i> 5. <i>The proposal incorporates a 1.8m tall privacy screen on the boundary of both sides.</i> 	

Combined Residents' Associations of South Hampstead (CRASH):

An objection on behalf of CRASH was received.

1. CRASH requests applicant/agent to clarify the purpose of the French doors in terms of strict access to the green roof for maintenance. Additionally, the CRASH went on to stipulate green roofs do not require much maintenance and therefore CRASH can only assume that they are designed to provide easy access to the roof when used as a terrace - a use that is prohibited under the terms of the consent reference 2023/0655/P.
2. CRASH considers the design of the French doors to be detrimental to the wider setting of the conservation area.
3. CRASH also consider the further rear extension proposed by the applicant is an unwarranted intrusion on their privacy, and that it fails in every regard to "protect or enhance" the character of the South Hampstead Conservation Area.

Officer's Response:

1. *Noted. The green roof is not able to be accessed as per the revised scheme.*
2. *The revised scheme will not be visible from public viewpoints and is limited in views due to the mature vegetation within the rear yards of the application site and neighbouring sites.*
3. *The rear extension has been omitted from the scheme.*

Site Description

The application site is a three-storey plus basement terraced house located on the north side of Belsize Road and situated in the South Hampstead Conservation Area. The application site is identified as making a positive contribution to the conservation area within the South Hampstead Conservation Area Character Appraisal and Management Strategy 2011.

Relevant History

Application site:

2023/0536/P - Amalgamation of two flats into a single dwellinghouse (Class C3). **Certificate of Lawfulness (Proposed) Granted 28 February 2023.**

2023/0655/P - Erection of a full width single storey rear extension at lower ground floor level. **Granted Permission 10 May 2023.**

2023/3916/P - Front extension of existing lower ground unit with inclusion of a front lightwell. **Refused 11 September 2024.**

Neighbouring sites (100 Belsize Road, London, NW6 4TG)

2023/2550/P - Erection of a ground floor rear extension with roof terrace, replace existing rear elevation upper ground floor window with French doors, loft conversion to provide additional residential space (study) to the dwelling house including installation of 3 x rooflights. **Granted 16 September 2023**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **D1** Design
- **D2** Heritage

Kilburn Neighbourhood Plan 2023

- **CK1:** Design Principles

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPH Housing (2021)

South Hampstead Conservation Area character appraisal and management strategy (2011)

Draft Camden Local Plan (2024)

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. Proposal

- 1.1. The application seeks to undertake alterations and additions to the existing terraced dwelling house.
- 1.2. To the rear of the existing dwelling house, on the rear elevation of the ground floor, a double glazed French door with a Juliet balcony is proposed alongside a new obscure window, an 1.8m tall privacy screen on the boundary of both sides and addition of four (4) roof lights on the main roof is proposed on the ground floor unit.

2. Revisions

- 2.1. After concerns were raised by Officers the originally proposed full width 1.4m deep ground floor rear extension, which would have protruded onto the roof of the approved lower ground floor rear extension, has been omitted from the scheme. This element of the proposal was considered to harm the character and setting of both the host building and wider Conservation Area.

3. Assessment

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

- Policy D2 (Design and Heritage)
- Policy A1 (Residential Amenity)

4. Design and Heritage

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features. In addition, Policy CK1: Design Principles of the Kilburn Neighbourhood Plan, requires proposals for development to respond to the character of the immediately adjacent area within which it is located, defined in terms of heights, scale, massing and relationship with the street.

- 4.2. The Conservation Area statement states the following in respect to rear extensions:

"...alterations and extensions to the rear elevations of buildings in the conservation area should respect the historic pattern of development, and preserve the character and historic features of existing buildings. A large number of rear elevations are visible from the communal amenity spaces to the rear and the impact of development on these will be carefully considered."

"Long, undeveloped rear gardens and private open spaces are central to the character and appearance of South Hampstead conservation area, and their preservation is of paramount importance."

"...particular care should be taken to ensure that the attractive garden setting of the host building, neighbouring gardens and any private open spaces is not compromised by overly large extensions and areas of hard landscaping."

- 4.3. In this instance, the works to the rear elevation would be of a modest scale and will not protrude onto the previously approved lower ground floor full width extension, nor would they be visible from the public realm. The works would not appear out of character with the wider context as there is no cohesive pattern of development with many terraces along Belsize Road featuring altered rear elevations. Therefore, the proposal would remain subordinate to the host building in terms of form and scale.

- 4.4. The proposal would be constructed with materials sympathetic to the host building. The double-glazed French door on the rear elevation would be of similar scale and design to the recently granted 2023/2550/P at 100 Belsize Road, with the exception of the Juliet balcony. The obscure window on the rear elevation would be similar to other obscure windows and doors on neighbouring properties, therefore not being out of place with the character whilst maintaining the traditional appearance of the building.
- 4.5. CPG Home Improvements notes prominent and steep front roof slopes could be visible from long views along the streets and public spaces. The subject building has a shallow butterfly roof, which would limit the prominence of the rooflights from surrounding public spaces, resulting in the roof lights not being visible from the public-realm. The rooflights would be of modest size and occupy a very small proportion of each roof slope. In addition, the selected rooflight design would minimise the amount of perceived change to the roof slopes, with the conservation style rooflights being designed to more easily integrate within the host building. It is considered the proposed four rooflights are proportionate to the roof form and provides a balance between ensuring the roof is not cluttered with rooflights, while providing adequate sunlight/daylight to the habitable space.
- 4.6. Overall, the proposed works to the rear elevation, along with the installation of proposed rooflights, would not cause harm to the character and appearance of the host property and would preserve the character of the surrounding conservation area.
- 4.7. 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. The proposals are in accordance with policies D1 and D2 of the London Borough of Camden Local Plan 2017.

5. Amenity

- 5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 5.2. The works to the rear elevation are considered modest in scale and would not protrude beyond the existing rear elevation. Therefore, they would not cause an undue loss of sunlight, daylight or affect the outlook or visual privacy of residents at this property, and neighbouring properties.
- 5.3. Given the modest size of the rooflights, and the nature of the site being within a built-up urban area, the rooflights would not cause harmful light spill.
- 5.4. In summary, the proposed works to the rear elevation, along with the installation of proposed rooflights are not considered to cause any harm to neighbouring amenity.

6. Recommendation: 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 30th September 2024, 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: 2023/5135/P
Contact: Alex Kresovic
Tel: 020 7974 3134
Email: Alex.Kresovic@camden.gov.uk
Date: 26 September 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

Saviom
1 Crusader Gardens
Croydon
Surrey
CR0 5UJ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
134 Belsize Road
London
NW6 4BG

DECISION

Proposal:
Proposed alterations to the rear fenestration at ground level with internal alteration and the addition of roof lights on the main roof.

Drawing Nos: 01 dated 23/11/23, 02 dated 23/11/23, 03 dated 23/11/23, 05 dted 23/11/23, 06 dated 23/11/23, 07 R1 dated 11/03/23.

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:

01 dated 23/11/23, 02 dated 23/11/23, 03 dated 23/11/23, 05 dated 23/11/23, 06 dated 23/11/23, 07 R1 dated 11/03/23.

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) 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 Biodiversity Net Gain (BNG)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available this permission will not require the approval of a BGP before development is begun because the planning application was made before 12 February 2024.

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements.

The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied the adverse effect on the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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-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

Chief Planning Officer

DRAFT

DECISION