

Application ref: 2024/4682/P
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Date: 17 December 2024

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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted and Warning of Enforcement Action

Address:

**31 Belsize Park Gardens
London
NW3 4JH**

Proposal: Variation of condition 3 (approved plans) of planning permission 2020/5975/P, granted on 02/08/2021 (as amended by 2024/0724/P dated 18/06/2024) for 'Installation of side roof dormer window, replacement of side rooflight, addition and alterations of windows on side elevation, infill of rear lightwell at basement level, installation of new walk-on skylight to rear and minor alterations to basement, enlargement of rear door, replacement of rear balcony and balustrade and front window with door' changes namely include to reflect retrospective window and door changes to the side and rear elevations.

Drawing Nos:

Superseded drawings:

410-DWG-108-Lower Ground Floor Plans_P1; 410-DWG-110-Proposed Rear Elevation Planning_P1; 410-DWG-111-Proposed Side Elevation Planning_P1.

Proposed drawings:

410-DWG-108-Lower Ground Floor Plans_P3; 410-DWG-110-Proposed Rear Elevation Planning_P3; 410-DWG-112-First Floor Plans_P1; 410-DWG-111-Proposed Side Elevation Planning_P2.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 For the purposes of this decision, Condition 3 of planning permission 2020/5975/P, as amended by 2024/0724/P shall be replaced with the following condition:

REPLACEMENT CONDITION 3

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

Drawing Nos: Location Plan, JTD_0231_P01_100 rev C, 410-DWG-108-Lower Ground Floor Plans_P3, 410-DWG-109-Ground Floor Plans_P1, JTD_0231_P01_103 rev C, JTD_0231_P01_104 rev C, JTD_0231_P01_105 rev D, JTD_0231_P01_106 rev D, JTD_0231_P01_300 rev C, 410-DWG-110-Proposed Rear Elevation Planning_P3, 410-DWG-111-Proposed Side Elevation Planning_P2, 410-GWG-112-First Floor Plans_P1, JTD_0231_P01_303 rev C, JTD_0231_P01_304 rev C, JTD_0231_P01_305 rev D and Additional Info on Side Dormer by Jonathan Tuckey Design.

Reason:

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

Informative(s):

- 1 Reasons for granting permission:

Planning permission was granted on 2 August 2021 ref: 2020/5975/P for the installation of side roof dormer window, replacement of side rooflight, addition and alterations of windows on side elevation, infill of rear lightwell at basement level, installation of new walk-on skylight to rear and minor alterations to basement, enlargement of rear door, replacement of rear balcony and balustrade and front window with door. A subsequent variation of condition application (2024/0724/P) was granted on 18/06/2024 to make changes to the approved side and rear elevation windows and the addition of a rear staircase.

This application is a retrospective application that seeks an amendment to the approved plans (condition 3), for the following:

- Changes to the rear window at lower ground floor level: The granted drawings show a white timber window whereas this application proposes a black metal window. The size and fenestration of the window would not be changed from the approved.
- Changes to doors and windows to the side elevation at ground floor level: Proposed timber door in location of sash window, timber sash window in location of door and windows to be lower and wider.
- Increased width of window to side elevation at second floor level.

The proposed drawings have been amended following officer comments whereby the colour of the rear window has been changed from green to black, and the fenestration has been updated to include the glazing bars as per 2024/0724/P.

Council raises no concerns with the colour (black) of the rear window. With regards to materials, the use of metal is appropriate in this instance given their location at lower ground floor level and given the original rear windows and doors at lower ground floor level were black metal.

The changes proposed to windows and doors on the side elevation of the building do not raise any design or heritage related concerns as their sizes and appearance are appropriate to the building and similar to the existing. Given this and the narrowness of the gap between the buildings, there would not be an appreciable impact on the character and appearance of the conservation area.

Regarding neighbouring amenity, the rear window does not raise any new amenity related concerns as the size has not changed from the granted application. The slight increase in size of the window at second floor level does not raise any unacceptable amenity related concerns. The change from window to door and door to window to the side elevation is not considered to result in any unacceptable amenity related effects when compared with the existing situation.

As such, no objections are raised to the amendment of condition 3, given that the proposal will have no adverse material effect in terms of land use, design and bulk of the approved scheme and impact on surrounding streetscene and neighbourhood amenity.

The full impact of the scheme has already been assessed.

The Belsize CAAC have responded stating that they have no comment on the proposal. One neighbour has objected to the proposal, however this is addressed in a separate consult report. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

2 ENFORCEMENT ACTION TO BE TAKEN

The Council expects the existing green metal window to the rear at lower ground floor level to be removed and replaced with a black steel window with glazing bars within no more than three months from the date of this decision. Should these works not take place within this timeframe the Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control.

- 3 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.

- 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 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).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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