



Appeal Decision

Site visit made on 17 October 2013

by N McGurk BSc(Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 October 2013

Appeal Ref: APP/X5210/D/13/2204613

9 Belsize Park Mews, London, NW3 5BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Claudia Vignali against the decision of London Borough of Camden.
 - The application Ref 2013/2506/P was refused by notice dated 25 June 2013.
 - The development proposed is erection of additional floor at second floor level to include green roof, 2 x roof lights to rear roof slope and 2 x balustrades to front elevation of single dwelling house (Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for erection of additional floor at second floor level to include green roof, 2 x roof lights to rear roof slope and 2 x balustrades to front elevation of single dwelling house (Class C3) at 9 Belsize Park Mews, London, NW3 5BL in accordance with the terms of the application, Ref 2013/2506/P, dated 29 April 2013, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have taken the description of development from the Council's decision notice, which provides more detail than that provided on the application form.

Main issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of Belsize Park Conservation Area; and its effect on the living conditions of neighbours with regards to daylight and sunlight.

Reasons

Character and appearance

4. The appeal property is a two story mews building at the northern side of Belsize Park Mews. The property is located in the Belsize Park Conservation Area which in this location is characterised by attractive rows of period mews properties, in tight streets, creating a high density street pattern. Many mews properties appear to have undergone alterations, whilst largely maintaining their attractive appearance.

5. The appeal property forms one of 15 mews houses, all of which, according to the Council, have been altered over recent years in terms of their appearance. During my site visit, I noted that at roof level, the majority of these houses had either been extended, or had terraces and related paraphernalia.
6. No. 9 Belsize Mews is located towards the top of the mews and due to being set back significantly from No. 8, adjoining, is largely hidden away from much of the street. Given this, I noted during my site visit that the proposed development would be largely invisible from the public environment. It is proposed to introduce a flat roof design, which the Council agrees, would respect the integrity of the existing roof form. I find that, whilst the roof would increase the height of No. 9, the set back of the property is such that that the extension would not dominate, but would sit comfortably within its surroundings.
7. Further to the above, I note that the extension would be set back from the existing rear building line and find that this would help ensure that the proposal appears neither intrusive nor dominant in its surroundings. I find that the proposed openings would be appropriate in scale to the extension and would be in keeping with a roofscape where extensions and terraces are common features. I note that the Council is satisfied with the proposed materials.
8. Taking all of the above into account, I find that the proposal would preserve the character and appearance of the Belsize Park Conservation Area. It would not be contrary to Core Strategy¹ policy CS14, or Development Policies² DP24 and DP25, which together amongst other things, seek to protect local character.

Living Conditions

9. The Council's second reason for refusal states that there is insufficient information to demonstrate that the proposal would not have an adverse impact on daylight and sunlight and I note that related objections have been received in this regard, although no detailed technical information has been provided.
10. The proposal would replicate the pitch of No 7 Belsize Park and would be set back substantially from the rear building line. Consequently, it would add an area of built development at roof level, similar to that which already exists close by. I find that the proposal, in relation to its pitch, height, volume and set back, has been sensitively designed which, when combined with the appeal property's "tucked in" position along the mews, would lead to the extension having a negligible impact on the daylight and sunlight received by neighbouring properties.
11. The Council suggests that there *may* possibly be some afternoon shadowing to part of No 13 Belsize Court as result of the proposal. I find that this is likely to be so minimal as not to lead to any harm and there is no substantive evidence to demonstrate otherwise. I also noted during my site visit that there were various features along the street at roof level, including a tall fence opposite the appeal property. I find that the development proposed, due to the slope of the roof, would have little more general impact on daylight and sunlight than many of these existing features.

¹ Camden Core Strategy 2010-2025 Local Development Framework (2010).

² Camden Local Development Framework Development Policies (2010).

12. In the absence of any detailed evidence to the contrary, I find that no significant harm, with regards any resultant loss of daylight and sunlight to neighbouring properties, would result from the proposal. Consequently, I find that the proposed development would not be contrary to Core Strategy policy CS5 or Development Plan policy DP26, which together amongst other things, seek to protect residential amenity.

Conditions

13. I have considered the conditions suggested by the Council against the advice in Circular 11/95. A condition referring to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning. A condition referring to materials is necessary in the interest of appearance.

Conclusion

14. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/X5210/D/13/2204613
9 Belsize Park Mews, London, NW3 5BL**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Section A-A; Proposed South East Elevation; Proposed First Floor GA; Proposed Front Elevation; Proposed Back Elevation; Proposed Roof Plan; Proposed Second Floor GA.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
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