

**44 Belsize Lane, NW3 5AR**

**2011/2152/P**



**Application: 2011/2152/P**  
**44 Belsize Lane**



**Rear elevation**





**Rear extraction flue**

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>21/10/2011</b>	
Members Briefing		N/A		<b>Consultation Expiry Date:</b>		10/10/2011	
<b>Officer</b>				<b>Application Number(s)</b>			
Ben Le Mare				2011/2152/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
44 Belsize Lane London NW3 5AR				Refer to draft decision notice			
<b>Proposal(s)</b>							
Retention of a single storey rear ground floor extension, 2 x air conditioning units and extract duct on rear elevation in connection with existing restaurant (Class A3).							
<b>Recommendation:</b>		Grant planning permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>20</b>	No. of responses	<b>02</b>	No. of objections	<b>01</b>
				No. Electronic	<b>02</b>		
<b>Summary of consultation responses:</b>		<p>Two letters of objection have been received from the occupiers of No.46 Belsize Lane and 1 Belsize Place, which raise the following concerns:</p> <ul style="list-style-type: none"> <li>- The proposed extract duct on the rear elevation of the property causes harm to the Belsize Conservation Area.</li> <li>- The proposal will result in an unacceptable increase in odours and cooking smells within the area.</li> </ul> <p><u>Officer's comments:</u> These concerns are addressed below in section 3.</p>					
<b>CAAC/Local groups comments:</b>		Belsize CAAC have objected to two a/c units and the extract ducting at the rear of the property.					

## Site Description

The application site is located at the junction of Belsize Lane and Belsize Place. The building comprises basement, ground to third floor. The upper floors provide residential accommodation which was granted permission in 2009. The building is not listed, but is located within the Belsize Conservation Area.

No.44 Belsize Lane is the most northerly commercial premises on the western half of the road. This proposal refers to the basement and ground floor which was granted planning permission for a change of use from Class A1 (shop) to A3 (restaurant) in April 2010. The unit is currently occupied by an Indian restaurant (Hazara Restaurant).

## Relevant History

### EN10/0276

Installation of 10 x air conditioning units to rear in connection with residential units above – Enforcement Notice served and appeal dismissed (ref: APP/X5210/C/11/2163296). Investigation ongoing.

### 2011/2451/P

Planning permission refused 04/08/2011 for the installation of 10 x air conditioning units at first and second floor level on the rear elevation (Retrospective).

### 2011/2148/P

Planning permission granted 20/10/2011 for alterations to shop front at ground floor level of restaurant (Class A3).

### 2009/3702/P

Planning permission granted 19/04/2010 for a change of use of ground floor and basement from a shop (Class A1) to a restaurant (Class A3) and associated plant.

### 2009/2118/P

Planning permission granted 03/12/2009 for amendments to planning permission granted 31/10/2008 subject to a legal agreement (2008/3597/P) for erection of roof extension with front roof terrace, part single-storey basement extension with rooflight and part two-storey basement/ground floor level extension to infill rear yard, enlargement of existing rear projecting wing at basement to fourth floor level, alterations to shopfront including new entrance doors and canopy, installation of windows at ground to third floor on Belsize Place and installation of pavement lights onto Belsize Lane and Belsize Place all in connection with change of use from basement and ground floor retail (Class A1) and residential (Class C3) on the upper floors to retail (Class A1) at basement and ground floor and 3 x studios, 1 x 2-bedroom and 1 x 3-bedroom residential units at ground to fourth floor level namely, enlargement of roof extension, omission of enlargement of rear projecting wing, alterations to ground floor entrance doors onto Belsize Place, replacement of window with door at rear first floor level and reconfiguration of the internal layout to retail (Class A1) basement and (part) ground and 2 x 2 bedroom flats and 1 x 3 bedroom maisonette on (part) ground to fourth floor level.

## Relevant policies

### Local Development Framework - Core Strategy and Development Policies 2010

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS14 (Promoting high quality places and conserving our heritage)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other

town centre uses)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise and Vibration)

## **Belsize Conservation Area Statement 2002**

## **Camden Planning Guidance**

CPG1 (Design) 2013  
CPG5 (Town centres, retail and employment) 2011  
CPG6 (Amenity) 2011

## **The London Plan 2011**

## **NPPF 2012**

## **Assessment**

1.1 Planning permission was granted in 2010 for a change of use of the basement and ground floor from a shop (Class A1) to a restaurant (Class A3) with associated plant (ref: 2011/2148/P). The consent was subject to a condition requiring details of the extract ducting and plant to be submitted and approved by the Council.

1.2 This application proposed an extract duct on the rear elevation of the building, 2 air conditioning units and a single storey rear extension. During the course of this application these works were being undertaken and have now been completed. The implemented works also differ to what was originally proposed and the applicant has subsequently amended the plans and updated the acoustic report.

1.3 The main planning issues associated with the proposals have been identified as visual impact and residential amenity and CIL. These are addressed below in the context of planning policy and other material considerations.

## **2. Visual Impact**

### *Extract unit/ducting*

2.1 The application proposes the retention of extract ducting on the rear elevation of the property which measures approx. 0.4m wide and 10.9m high and kinks at the roof's parapet to expel odours away from the adjoining residential dwellings. The ducting is not visible from the public realm.

2.2 During the determination of this application an appeal was made against the Camden's decision to refuse planning permission and serve an enforcement notice in respect of the ten unauthorised heat pumps which are sited on the rear of the building at first floor level. These service the residential apartments on the upper floors. In the Inspector's report, the Inspector comments that the rear of site has a '*bland and functional appearance, of notably inferior quality to the front of the building*' and '*has little or no significance to the value of the conservation area*'. The Inspector therefore did not uphold the Camden's reason for serving the enforcement notice on design grounds.

2.3 Whilst the extract duct does appear as a bulky and incongruous addition to the rear of the building, and would in the majority of cases be unacceptable within a designated conservation area, Camden have to take into consideration the Inspector's view that the rear of the site is identified as being starkly utilitarian and lacking in design quality. On this basis therefore the extract ducting cannot be refused on design grounds.

### *Single storey rear extension*

2.4 The rear extension (measuring 3m (l) x 2.2m (w) x 2.8m (h)) is not visible from the public realm and is a low level. Its size remains subordinate to the host building and the materials match the existing. The proposal does not harm character and appearance of building or the wider the conservation area.

#### *Air conditioning units*

2.5 The air conditioning units are located to the rear of the building and therefore not visible from public realm. Given the existing site conditions, units are considered not to harm the character and appearance of the conservation area.

### 3. Residential Amenity

#### *Air conditioning units & extraction unit*

3.1 During the determination period of the application the applicant submitted an updated noise assessment of the proposed air condition units and the extract duct. This was required as the position of the air condition units changed from where the original readings were taken.

3.2 The updated report recommended that should be undertaken to ensure that the equipment would meet the council's noise standards – these comprised the installation of acoustic jackets around both the air conditioning units and the odour filter of the extract duct (see photos below taken 30/09/2013)



Odour filter



Air conditioning units

3.3 A recent site visit confirmed that these measures have been implemented satisfactorily and environmental health officers have confirmed that they have no objection to the proposals, subject to standard noise control conditions.

#### *Single storey rear extension*

3.4 No rooflights are proposed on the extension which ensures that there will not be a loss of privacy to the occupiers of neighbouring properties. The window to the rear of the site serving No.1 Belsize Place is obscurely glazed and the proposed rear extension does therefore not result in a loss of outlook to the occupiers. To ensure that there is no loss of natural light to that room (on Belsize Place), the extension's roof slopes upwards from the bottom of the windowsill on the rear of that building.

#### 4. CIL

4.1 The rear extension was erected prior to the Mayor's CIL being introduced and the applicant is therefore not required to make a contribution.

**Recommendation: Grant planning permission subject to conditions**

#### **DISCLAIMER**

Decision route to be decided by nominated members on Monday 14<sup>th</sup> October 2013. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'



Greenfields Architectural Services  
14 Saffron Crescent  
Carterton  
Oxford  
OX18 1LE

Application Ref: **2011/2152/P**  
Please ask for: **Ben Le Mare**  
Telephone: 020 7974 1278

10 October 2013

Dear Sir/Madam

**DRAFT**  
**DECISION**

Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) Order 2010  
Town and Country Planning (Applications) Regulations 1988

**Full Planning Permission Granted**

Address:  
**44 Belsize Lane**  
**London**  
**NW3 5AR**

**DECISION**

**Proposal:**

Retention of a single storey rear ground floor extension, 2 x air conditioning units and extract duct on rear elevation in connection with existing restaurant (Class A3).

Drawing Nos: Site Location Plan; Belsize/01 Rev A; 02 Rev C; 06; 07 Rev D; Noise Impact Assessment (7808-NIA-01)

The Council has considered your application and decided to grant permission subject to the following conditions:

**Conditions and Reasons:**

- 1 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of

plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 2 Automatic time clocks shall be fitted to the equipment/machinery hereby approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate between 23:00hrs and 12:00hrs the following day. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Culture and Environment Directorate  
(Duly authorised by the Council to sign this document)