

Delegated Report		Analysis sheet		Expiry Date:		21/06/2010	
		N/A		Consultation Expiry Date:		16/06/2010	
Officer				Application Number			
John Sheehy				2010/0668/P			
Application Address				Drawing Numbers			
18 Daleham Gardens London NW3 5DA				Refer to draft decision			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal							
Change of use from two self-contained flats to a single dwelling house.							
Recommendation:		Grant conditional permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	16	No. of responses	0	No. of objections	0
				No. electronic	0		
Summary of consultation responses:		Site notice displayed from 26 th of May to 16 th of June. No response to date.					
CAAC/Local groups comments:		Fitzjohns/ Netherall CAAC, comment : "No objection <i>provided</i> that permitted development rights are removed from the newly – assimilated single dwellinghouse thus protecting front and back gardens".					
Site Description							
A substantial 3-storey-with-basement detached house with a large landscaped rear garden. The house is located on the eastern side of Daleham Gardens with Daleham Mews to the rear, and is divided into two flats. While not listed, the building on the site is identified as making a positive contribution to the Fitzjohns/ Netherhall Conservation Area in which it is located.							
Relevant History							
January 2010 Planning permission granted for excavation to provide a rear extension containing a swimming pool at lower ground floor level, excavation of existing lower ground floor level for use as habitable accommodation including ancillary staff flat, creation of roof terrace at rear upper ground floor level with privacy screens to both sides, alterations to windows/doors at lower/upper ground floor level (north, south and east elevation) of the dwellinghouse, ref. 2009/1073/P.							
Relevant policies							
Camden Development Plan 2006 SD6 Amenity for occupiers and neighbours H3 Protecting Existing housing							
Camden Planning Guidance 2006 Fitzjohns/ Netherall Conservation Area Statement							

Circular 11/95 The use of conditions in planning permissions

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

DP2 Making full use of Camden's capacity for housing

DP26 Managing the impact of development on occupiers and neighbours

Assessment

Policy H3 states that the Council will resist proposals that would lead to a net loss of residential floorspace and states that it will not grant planning permission for a development that would involve the loss of two or more residential units.

Since the proposal does not involve the net loss of residential floorspace and would only involve the loss of one residential unit, it is consistent with policy H3.

It is considered that the development would not have a detrimental impact on neighbour amenity: the proposal is considered to be consistent with policy SD6.

Permitted Development

The CAAC have set out a need for control over further alterations and extensions to this substantial house. Circular 11/95 sets out (paras 86-88) that the Use Classes Order is designed "*to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Save in exceptional circumstances, conditions should **not** be imposed which restrict either permitted development rights... the Secretaries of State would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious adverse effects on amenity or the environment, that there were no other forms of control, and that the condition would serve a clear planning purpose.*"

The circular goes on to state that "*It might, for example, be possible to justify imposing a condition restricting permitted development rights ... so as to preserve an exceptionally attractive open plan estate free of fences, or ... so as to avoid overdevelopment by extensions to dwellinghouses in an area of housing at unusually high density*".

There are not considered to be any specific considerations attributable to this site which would justify or require the removal of permitted development rights.

Recommendation: Grant approval.

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