

Design & Access

and

UDP and PPG Planning Policy Appraisal & Assessment Statement

Site at

9 RAILEY MEWS

Kentish Town, London NW5 2PA



Proposal

Retention of fixed rear first floor door opening facilitating natural daylight to stairwell/hallway with external fixed 'privacy' screen.

Local Planning Authority
London Borough of Camden

Applicant
Mr William Bone
9 Railey Mews NW5 2PA




March 2010

GrAhAm KnOtT

Btp, DOCA (Int).

Architectural, Town Planning, Environment and Conservation, Planning Consultant

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Forward

I Graham Anthony Knott Btp. DOCA. ICI (Int), have been working and practicing Town and Country Planning for over 30 years now as my profession having specialised in UDP Planning Policy, Conservation, Planning Law, Development Control and the negotiating and processing of planning applications and 'written representation', 'informal hearings' and planning 'public inquiries' planning appeals.

I have been employed by a number Metropolitan Local Authority Environmental and Planning Departments within Planning Policy, Development Control, Conservation and Special Projects Departments and Divisions between April 1979 and May 2003. I have lead teams in negotiating on many complex sites and scheme proposals in conservation areas throughout London and have also acted as an LPA liaison officer with the Metropolitan Police Service both at 'Local' and 'National' levels with a specific remit to the now extant circular 5/94 'planning out crime'.

I have specialised in most planning disciplines including Conservation Area Planning (statutory and non statutory listed buildings), within a number of London boroughs with regard to their assessment, 'designation' and 'enlargement', building alterations and new building design, working closely with Conservation Area Advisory Committees, English Heritage and other National and Local amenity groups.

I have undertaken over 250 'written representation' planning appeals as well as a number of 'informal hearings' and planning 'public inquiries' within both the public and private sectors. I have written UDP planning policies and Supplementary Planning Guidance (SPG) documents. I have given evidence at both UDP and public local planning inquiries and have given planning evidence at the Royal Courts of Justice, the High Court, Strand, London WC1.

My independent planning research into 'Crime with the Built Environment' enabled the first UDP planning policy and planning condition in the UK to be applied to a planning application which resulted in my invitation and acceptance to the role of vice chairman of the 'Designing Out Crime Association UK' DOCA (a body set up by the Association of Chief Police Officers - ACPO), between 1998 to 2001. At this time I also undertook the role as an advisor to the Home Office on 'Planning and Designing Out Crime' matters and National considerations.

I currently assess and advise of both complex and non complex planning application proposals throughout the UK and lecture part time in planning law and planning out crime in the built environment at Oxford Brookes University as an external lecturer as well as a number of other UK universities. I have been afforded the opportunity through invitation to lecture on 'planning law', 'the built environment' and 'planning and designing out crime in urban and rural environments' and 'planning in conservation areas' throughout the UK and Europe.

I have visited the application site on a number of occasions and live in the immediate area and I am fully familiar with the all of properties in Railey Mews NW5 and the locality.



Site Details

APPLICATION DETAILS : 9 RAILEY MEWS - NW5 2PA

Local Planning Authority	:	London Borough of Camden
Appeal Site Application Address	:	9 Railey Mews London, NW5 2PA
Applicant	:	Mr. William Bone 9 Railey Road London, NW5 2PA
Easting's and Northing's	:	529061 (E) & 185512 (N)
Ward	:	Kentish Town
Conservation Area	:	None
Type of Planning Application	:	Full
Development Type	:	Residential Minor Alterations
Existing Land Use	:	C3 Dwelling House
Proposed Land Use	:	C3 Dwelling House
Relevant UDP Planning Policies (2009)	:	B1 – General Design Principles SD6 – Amenity for Occupiers and Neighbours
Supplementary Planning Guidance (2006)	:	Section 29
Likely Planning Decision Level	:	Delegated
Planning Application Drawings	:	9/RM/NW5/ 001, 002, 003, 004 & 005
Planning Application Documents	:	Letter Introducing Application 'Full' Application Form Design & Access and UDP and PPG Planning Policy Appraisal & Assessment Statement



Application Summary

- Mr William Bone wrote to Camden's Planning Department on 18th April 2007 seeking advice regarding his proposal to insert a window/fixed longitudinal door opening fitted with obscured glass in the rear wall of his property to facilitate both natural 'daylight' and 'sunlight' into the first floor hallway/stairwell of his property.

Mr Conor McDonagh (Planning Officer), wrote to Mr Bone on **27th April 2007** (letter ref : CA\2007\ENQ\15307-NE), stating ;

“ I can confirm that this property is not within any conservation area and is not listed therefore planning consent is not required for the works provided the property is in use as a single family dwelling, i.e. not a flat or a maisonette. ”

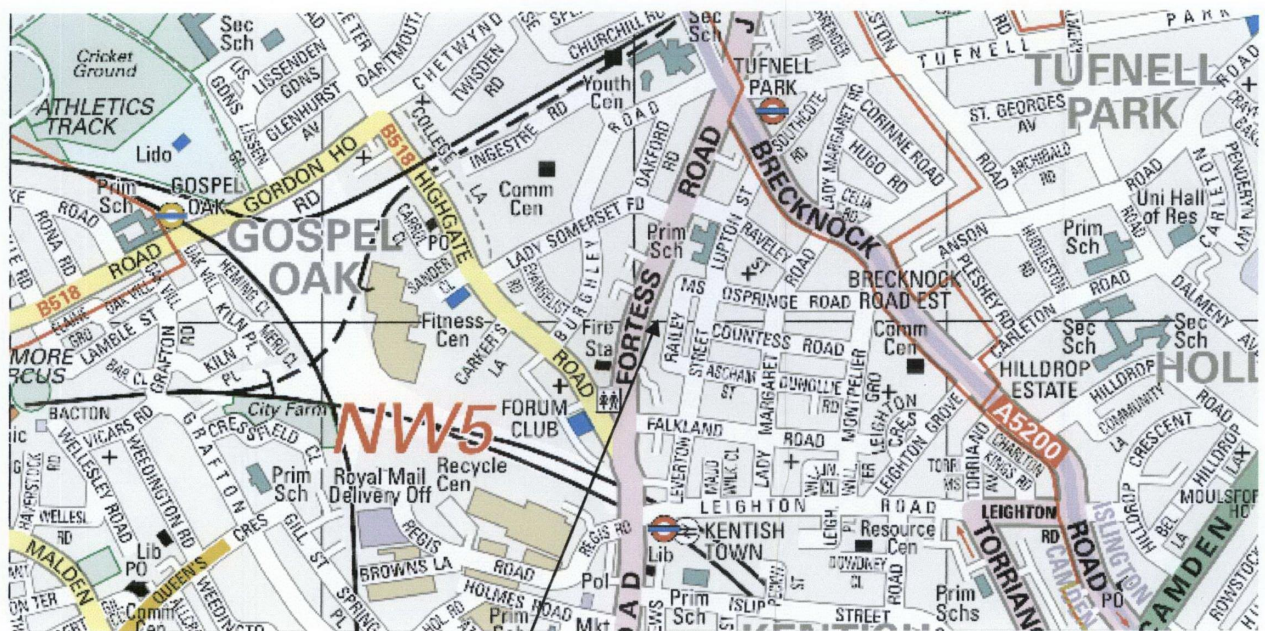
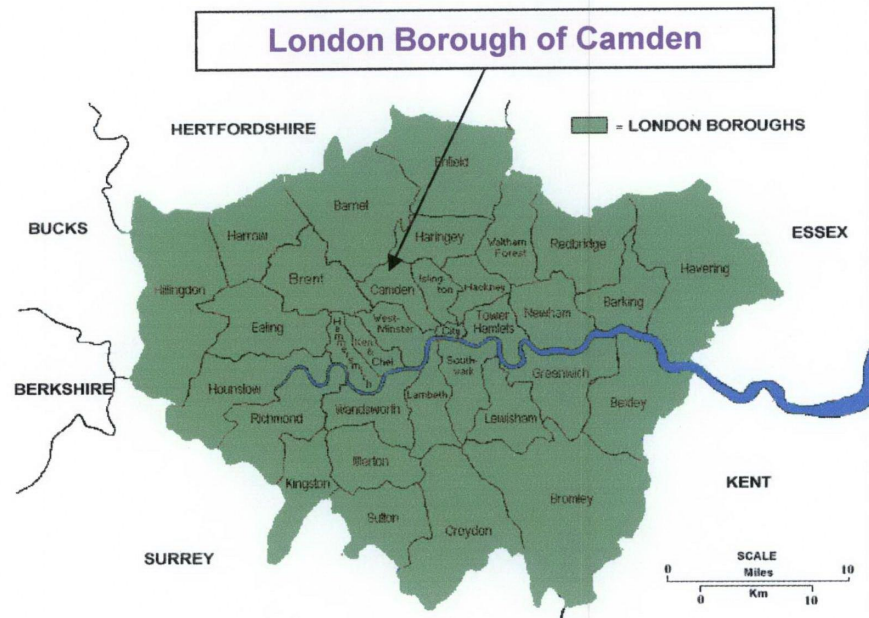


The Planning Officers attention is drawn to Page 10 of this 'Design & Access and UDP and PPG Planning Policy Appraisal & Assessment Statement'.

- The provision of rear external windows being 'placed' in the rear elevations of the single family dwellinghouses (C3) in Railey Mews NW5 is not a new concept. There are a number of 'rear elevational' external windows found at the following properties **7** (first), **8** (ground and first) and **11** (ground and first).
- The reason for this is that the rear of the properties in Railey Mews are severely deficient from both natural daylight and sunlight. The Council's Planning Department is also aware of these light deficiencies having Granted planning permission at **11 Railey Mews NW5** on **28th June 2005** for the 'Retention of two windows fitted with obscured glass fixed shut (one to ground floor kitchen and one to first floor bathroom), in the rear elevation'. Camden Planning File Reference : 2005/1728/P.
- Due to the applicant Mr William being advised that his proposal did not require planning permission on **27th April 2007** the fixed longitudinal door opening has been constructed with obscured glazing and has been provided with an additional rear fixed external screen to ensure that no overlooking or loss of privacy and amenity could be caused to his neighbours rear gardens at 60, 62, 64 and 66 Fortress Road NW5.

1.0 The Site and Surrounding Area

- 1.1 The single family dwellinghouse of 9 Railey Mews NW5 2PA is located in the Central and North London Borough of Camden.



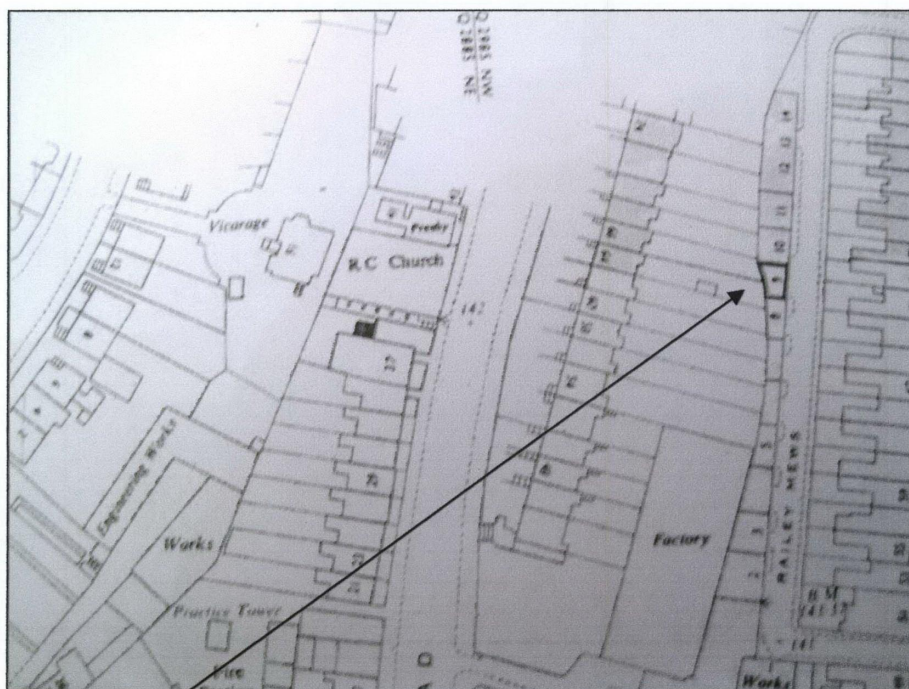
9 Railey Mews NW5 2PA

- 1.2 The immediate area is characterised by Victorian residential dwellinghouses with Railey Mews NW5 only accessible by both 'pedestrians' and 'domestic' vehicles from Leverton Street.

- 1.3 The dwellinghouses in Raileigh Mews NW5 were originally constructed in the late 1980s/ early 1900's and were built as workshops and or stables.

Six were formally converted into single family dwellinghouses in 1996 through 'Granted' planning permission number **950069 R3** dated 26th April 1996.

These newly converted dwellinghouses have no rear amenity areas as they back onto the rear amenity areas of 64-74 (even) Fortress Road NW5.



- 1.4 9 Raileigh Mews NW5 is not located within any of the following LB Camden's planning policy areas ;

- the application site is not located within this MOL defined area.
- is not located within a borough conservation area.
- is not located within an ANOB.
- is not located within an SSSI.
- is not sited adjacent or close to a listed or locally listed building.
- The application proposal would not affect an Ancient Monument.
- The application site does not have any trees subject of tree preservation orders (TPO's), within its boundaries.

2.0 Relevant Planning History of Railey Mews NW5

- 2.1 Planning permission was Granted on **21st October 1991** for the 'Redevelopment by the erection of a two storey residential house at 14 (Railey Mews) and building on three floors to be used for B1 purposes within the meaning of The Town and Country Planning (Use Classes) Order 1987 at no.11, as shown on drawing nos. 351-201E, 202D, 301B, 302B, 102, as revised on 09.08.91 and 04.09.91', at **14 Railey Mews NW5**.

LB Camden Planning File Reference : **PL/9100634/R4**

- 2.2 Planning permission was Granted on **26th April 1996** for the 'Part redevelopment/part conversion to provide six single family dwelling houses with integral garages, with roof extensions and elevational alterations , as shown on drawing numbers 2098.01, SK02B, 3C, 4C and 05', which facilitated six new dwellinghouses at **9-14 Railey Mews NW5**.

LB Camden Planning File Reference : **950069 R3**

- ☐ The Planning Officers attention is drawn to Document 1 which is found at the rear of this Statement.

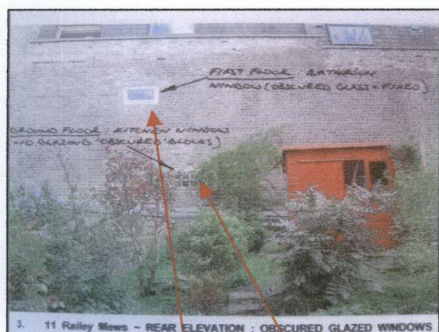
- 2.3 Planning permission was Granted on **28th June 2005** for the 'Retention of two windows fitted with obscured glass fixed shut (one to ground floor kitchen and one to first floor bathroom), in the rear elevation', to the applicants neighbour Mr P. Gluckstein of **11 Railey Mews NW5**.

LB Camden Planning File Reference : **2005/1728/P**

- ☐ The Planning Officers attention is drawn to Document 2 which is found at the rear of this Statement.



- 2.4 There are a number of 'rear elevational' external windows found at the following properties **7** (first), **8** (ground and first) and **11** (ground and first) and in which a clear 'precedent' has been set ;



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Rear External 'Existing' Windows



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- 2.5 As stated in the summary of this statement Mr William Bone (the applicant) wrote to the Planning Department on 18th April 2007 seeking advice regarding his proposal to insert a window/fixed door opening fitted with obscured glass in the rear wall of his property to facilitate natural sunlight and daylight into his first floor hallway/stairwell of his property.

Mr Conor McDonagh (Planning Officer), wrote to Mr Bone on **27th April 2007** (letter ref : CA\2007\ENQ\15307-NE), stating ;

“ I can confirm that this property is not within any conservation area and is not listed therefore planning consent is not required for the works provided the property is in use as a single family dwelling, i.e. not a flat or a maisonette. ”

Date: 27.04.07
Our Ref: CA\2007\ENQ\15307-NE
Your Ref:
Contact: Conor McDonagh
Email: conor.mcdonagh@camden.gov.uk



Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

Tel 020 7278 4444
Fax 020 7974 1975
env.devcon@camden.gov.uk
www.camden.gov.uk/planning

William Bone
9 Railey Mews
Kentish Town
London
NW5 2PA

Dear Mr Bone,

Town and Country Planning Act 1990 (as amended)
RESPONSE TO ENQUIRY, REFERENCE CA\2007\ENQ\15307
Re: 9 Railey Mews

Thank you for your recent letter received on the 18 April 2007 regarding the following:

1: Installation of new window openings to rear elevation.

I can confirm that this property is not within any conservation area and is not listed therefore planning consent is not required for the works provided the property is in use as a single family dwelling, i.e. not a flat or a maisonette.

However you may require Building Regulation consent, I suggest you call Building Control on 020-7974 6941 for further advice.

The advice set out in this letter is the opinion of the planning officer and is without prejudice to further consideration of this matter by the Development Control section or to the Council's final decision.

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'C. McDonagh'.

Mr Conor McDonagh
Planning Officer
North East Area Team

3.0 Relevant Unitary Development Plan (UDP) 2006 Policies

- 3.1 The Council's UDP planning policies and planning policy guidance for Conservation Areas are contained in the Councils 'Replacement' Unitary Development Plan 2006 and associated Supplementary Planning Guidance 2006 documents.

◆ **Unitary Development Plan (UDP)** – June 2006

◆ **Planning Policy Guidance (PPG)** – December 2006

- 3.2 The relevant UDP(2006) policies that relate to the application proposal are ;

UDP Policy SD6	-	Amenity for Occupiers and Neighbours
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UDP Policy B1	-	General Design Principles
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- 3.3 The Council states its general 'amenity' considerations in its preamble UDP text in which the 'protection of amenity' needs to be a major consideration in assessing development proposals. The Council acknowledges that almost all developments will have 'some impact' on their surroundings. The main impacts against which it will be necessary to protect amenity are set out in paragraphs a) to g) of UDP (2006) policy SD6.

The Council further states harmful effects to the amenity of existing and future occupiers on a development site and to nearby properties should be avoided, especially in the case of 'residential' buildings. The Council considers that the design of development should give consideration to 'overlooking' and the potential effects on 'privacy' and allow sufficient daylight and sunlight into buildings and land.

- 3.4 UDP (2006) policy SD6 - **Amenity for occupiers and neighbours** states ;

The Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours. The factors the Council will consider include :

- 3.5 a) **visual privacy and overlooking ;**

Adjacent local residents 'visual privacy' and 'overlooking' are completely acknowledged and protected (notably the residents of 62, 64, 66 and 68 Fortress Road), as the longitudinal opening created to facilitate natural daylight and sunlight is provided with a fixed doorway fitted with obscured glazing as well as being externally provided with an additional privacy screen.

- ☒ **I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy SD6 sub paragraph a) visual privacy and overlooking.**

3.6 b) sunlight and daylight levels ;

The first floor stairwell and hallway lobby suffers from complete natural daylight and sunlight deficiency. The application proposal will facilitate an obscured degree of both natural 'daylight' and 'sunlight' to the hallway lobby and stairwell.

- ☒ **I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy SD6 sub paragraph b) sunlight and daylight levels.**

3.7 c) artificial light levels ;

The need for a total reliance on artificial light levels which is not sustainable will rescind if this application proposal is approved.

- ☒ **I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy SD6 sub paragraph c) artificial light levels.**

3.8 All of the following 4 sub paragraph considerations d) to g) are not applicable to the application proposal ;

d) noise and vibration levels ;

e) odour, fumes and dust ;

f) the adequacy of facilities for storage, recycling and disposal of waste ;

g) microclimate.

3.9 The National Government and all local authorities are committed to 'good design' and 'design excellence' with their design UDP (2006) policies being the key vehicle in which they seek compliance. Further useful guidance on achieving good design is found in **Planning Policy Statement 1 (PPS1) : 'Delivering Sustainable Development' at 'Design' considerations ; paragraphs 33 – 39 and the CABI publication '**By Design' – 'Urban Design in the Planning System: Towards Better Practice'**.**

3.10 The Council apply their 'general design principles' through UDP (2006) policy B1 ensuring that all parts of the borough's environment are designed to the highest standards. It is also important to acknowledge (and a 'material consideration' in the determination of this application), that Camden is a densely built-up borough where most development involves the replacement, extension and alteration or conversion of existing buildings.

3.11 UDP (2006) policy B1 – 'General design principles', states ;

The Council will grant planning permission for development that is designed to a high standard. Development should :

a) respect its site and setting ;

There are a number of other windows and openings that are both obscured and non obscured glazed that are evident in the rear walls of the dwellinghouses in Railey Mews NW5 that I have photographed at paragraphs 2.2 and 2.3 of this statement. This application proposal's main thrust is to ensure that no overlooking or loss of privacy or amenity occurs to adjacent neighbours and this is achieved by the fitting of obscured glazing with an additional level of privacy protection via a fixed external privacy screen.

☒ I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy B1 sub paragraph a) respect its site setting.

3.12 **b) be safe and accessible to all ;**

The application proposal accords with current building regulations and is safe. Accessibility (access for all), is not an planning issue or consideration in this case.

☒ I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy B1 sub paragraph b) be safe and accessible to all.

3.13 All of the following 4 sub paragraph considerations c) to f) are not applicable to the application proposal ;

c) improve the spaces around and between buildings, particularly public areas ;

d) be sustainable by promoting energy efficiency and efficient use of resources ;

e) be easily adaptable to changing economic and social requirements ;

f) provide appropriate high quality landscaping and boundary treatments ;

- 3.14 **g) seek to improve the attractiveness of an area and not harm its appearance or amenity.**

The application proposal when compared and contrasted against recent similar widow openings is well designed, attractive and does not harm the appearance or setting of the parent of adjacent residential buildings and fully protects local residents amenities.

☒ I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy **B1** sub paragraph **g)** seek to improve the attractiveness of an area and not harm its appearance or amenity.

- 3.15 All of the following 4 sub paragraph considerations h) to k) are not applicable to the application proposal ;

In assessing how the design of a development has taken these principles into account, the Council will consider :

- h) building lines and plot sizes in the surrounding area ;**
- i) the existing pattern of routes and spaces ;**
- j) the height, bulk and scale of neighbouring buildings ;**
- k) existing natural features, such as topography and trees ;**

- 3.16 **l) the design of neighbouring buildings ;**

Many adjacent buildings have the benefit of rear window openings.

This application proposal is in accordance with the recent alterations and design of neighbouring residential buildings notable at 7, 8 and 11 Railey Mews NW5.

There is a clear 'precedent' for the insertion of openings in the rear walls of these dwellinghouses to facilitate the passage of natural daylight and sunlight into them.

- 3.17 **m) the quality and appropriateness of detailing and materials used ;**

As the planning officer will see when he/she visits the site, the quality and appropriateness of the materials used for the longitudinal fixed doors, obscured glazing and privacy screen are of the highest quality and compliment and respect the parent and adjacent residential buildings.

☒ I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of UDP (2006) Policy **B1** sub paragraph **m)** the quality and appropriateness of detailing and materials used.

3.18 All of the following 2 sub paragraph considerations n) to o) are not applicable to the application proposal ;

n) **the provision of visually interesting frontages at street level ;**

o) **the impact on views and skylines.**

3.19 I conclude after assessment that the application proposal fully accords with all of the considerations and sub paragraphs of UDP (2006) Policy **SD6 Amenity for Occupiers and Neighbours** and UDP (2006) Policy **B1 General Design Principles**.

4.0 Relevant Planning Policy Guidance (PPG) Considerations

- 4.1 With regard to the application proposal the following Planning Policy Guidance (PPG) document is relevant ;

◆ **Planning Policy Guidance (PPG) – December 2006**

- 4.2 The relevant paragraph of the PPG that relates to the application proposal is ;

PPG Section 29 - Overlooking and Privacy

- 4.3 PPG (2006) Section 29 provides advice to ensure that the construction of new buildings and/or the alteration or extension of existing buildings do not unnecessarily or unreasonably impact on the privacy of neighbouring properties.

- 4.4 PPG (2006) Section 29 is a guidance document that relates to replacement UDP (2006) policy **B1 – General Design Principles** and **SD6 – Amenity for Occupiers and Neighbours**.

- 4.5 Paragraph 29.5 of PPG (2006) Section 29, states ;

29.5 *Rooms and gardens that are overlooked lack privacy. Therefore, new developments should not overlook another dwelling's windows or private garden area to an unreasonable degree.*

As established in this statement the key priority of the application proposal is to ensure that adjacent residents who enjoy their rear gardens will not be overlooked or have any privacy loss as both the obscured glass and privacy screen prohibits any respective loss of amenity.

- ☒ I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of Paragraph 29.5 of Section 29 of PPG (2006).

- 4.6 Paragraph 29.6 of PPG Section 29, states ;

29.6 *The degree of overlooking is affected by distance and the horizontal and vertical angles of view. Living rooms, bedrooms and kitchens are most sensitive to overlooking, along with the part of a garden nearest to the house.*

The Planning Officers attention is drawn to the applicant's considerations detailed above at paragraphs 3.5, 3.6, 3.7, 3.11, 3.12, 3.14, 3.16, 3.17 and **4.5** of this statement.

- ☒ **I conclude after assessment that this application proposal is in complete compliance and fully accords with the aims and objectives of Paragraph 29.6 of Section 29 of PPG (2006).**

4.7 Paragraph 29.7 of PPG Section 29, states ;

29.7 *Obscure glazing and screening by walls or fencing should be considered where appropriate. In order to ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other.*

To avoid repetition the Planning Officers attention is again redrawn to paragraphs 3.5, 3.6, 3.7, 3.11, 3.12, 3.14, 3.16, 3.17 and 4.5 of this statement.

5.0 The Application Proposal

5.1 The application proposal is detailed in the following 'submitted' documents and Plans ;

- ☐ 'Full' Application Form
- ☐ Design & Access and UDP & PPG Planning Policy Appraisal & Assessment statement

Drq No.

- | | | | |
|--|---|---------------------------------|--------------|
| <input type="checkbox"/> Existing | : | 1/1250 OS plan
& Photographs | 9/RM/NW5/001 |
| <input type="checkbox"/> Existing & Proposed | : | First Floor Plan | 9/RM/NW5/002 |
| <input type="checkbox"/> Existing & Proposed | : | Front Elevation | 9/RM/NW5/003 |
| <input type="checkbox"/> Existing & Proposed | : | Rear Elevation | 9/RM/NW5/004 |

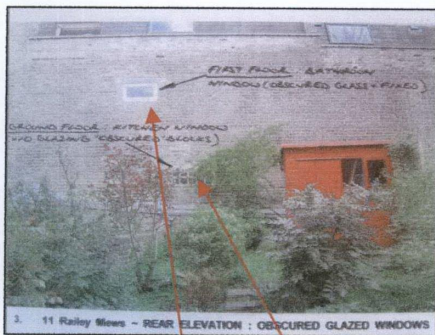
5.2 In summary, the application proposal seeks the following ;

- ◆ the facilitation of natural '**daylight**' and '**sunlight**' to the first floor hallway and stairwell.
- ◆ the provision of a longitudinal opening (to maximise the entry of natural '**daylight**' and '**sunlight**') with fixed doors provided with **obscured glazing**.
- ◆ the provision of an external **metal grill** ensuring that the fixed doors will not be able to be opened 'outwards' to ensure that no overlooking or no loss of privacy and no loss of amenity will occur to the residents of rear gardens of 58, 60, 62, 64, 66, 68, 70 Fortress Road NW5.
- ◆ the additional provision of a **full height external privacy screen** to ensure that no overlooking or no loss of privacy and no loss of amenity will occur to residents of the rear gardens of 58, 60, 62, 64, 66, 68, 70 Fortress Road NW5.
- ◆ the provision of the passage of natural '**daylight**' and '**sunlight**' to the first floor hallway and stairwell whilst maintaining no overlooking, loss of privacy or loss of amenity to adjacent residents.

6.0 Design Method & Access

6.1 The facilitation of gaining natural 'daylight' and 'sunlight' to the dwellinghouse has sought guidance from similar proposals and precedents, notably at the following dwellinghouses in Railey Mews NW5 ;

- ▶ 7 Railey Mews - First Floor Window - **NOT** Obscure Glazed
- ▶ 8 Railey Mews - Ground and First Floor Window - **NOT** Obscure Glazed
- ▶ 9 Railey Mews - First Floor Door opening - Obscure Glazed & Privacy Screen
- ▶ 11 Railey Mews - Ground and First Floor Window - Obscure Glazed



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Rear External 'Existing' Windows



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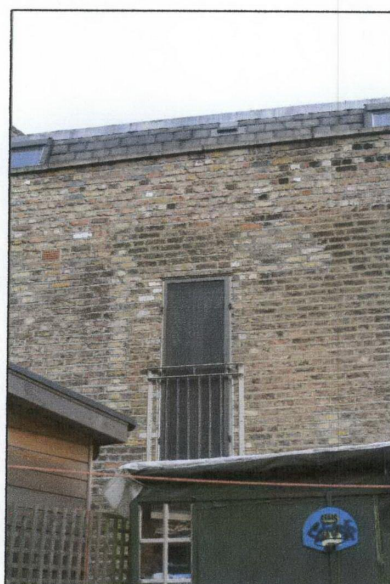
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Application 'Proposal' – 9 Railey Mews NW5

- 6.2 Both 7 and 8 Railey Mews NW5 have rear windows that **are not** provided with obscured glazing whereas 11 Railey Mews NW5 has two windows at ground and first floors that **are provided with obscured glass**.
- 6.3 The design of any opening whether by a fixed window or longitudinal door must satisfy the following criteria ;
- ✓ facilitate the passage of both natural 'daylight' and 'sunlight' to the first floor rear hallway and stairwell.
 - ✓ ensure that either a window or longitudinal door is 'fixed' and non openable.
 - ✓ if a longitudinal door opening is desired a metal grill must be placed on the outside of the building to ensure that under any circumstances the doors can 'not open outwards'.
 - ✓ an additional fixed external 'privacy screen' could be fitted to give 100% protection of adjacent residents privacy and amenity with regard to overlooking.
 - ✓ No 'access' through either a window or door opening would be permitted.
- 6.4 The quality, appropriateness and detailing of proposed materials must be of a high standard and achieve all of the above objectives.



Rear of : 9 Railey Mews NW5

Rear longitudinal fixed opening facilitating natural 'daylight' and 'sunlight' to the dwellinghouse whilst satisfying the 5 design objectives above.

7.0 Conclusion

- 7.1 It is LB Camden UDP (2006) policy **SD6 - b) sunlight and daylight levels** that ALL dwellinghouses and buildings in the borough benefit from natural daylight and sunlight. It is also a requirement of **BRE Digest 209: Site Layout Planning for Daylight and Sunlight** with regard to 'diffuse light to windows'. It is also LB Camden UDP (2006) policy and PPG (2006) guidance that local resident's 'privacy' and 'amenities' are protected.

This application proposal clearly satisfies both of these criteria as demonstrated in this statement and with regard to the 'as submitted' plans.

- 7.2 It is also important to understand and acknowledge that the application dwellinghouse and dwellinghouses 9 – 14 (consecutive) were not designed as residential dwellinghouses, they were designed as stables and or workshops and were only recently converted in 1996 to 7 single family dwellinghouses (C3), with associated garages.

A clear design oversight has been the total lack of the passage of natural 'daylight' and 'sunlight' to the rear habitable and non habitable rooms and hallways of all of these recently converted dwellinghouses.

- 7.3 This design oversight has resulted in the applicant's hallway/stairwell being severely deficient in natural 'daylight' and 'sunlight' which can be traced back to the historical use of both 9 Railey Mews (as well as 10,11,12 and 14 Railey Mews NW5) as stables and or workshops, and never for residential (C3) use.

- 7.4 This application proposal has sought through 'good design' to ensure that local resident's amenities are fully protected whilst providing much needed light into the applicant's hallway and stairwell.

- 7.5 I further consider and with regard to Planning Circular 11/95 – **the use of planning condition in planning** with regard to paragraph 3, that a valid enforceable planning condition could be placed on a decision notice ensuring that local residents amenities are fully protected by this retention application proposal, and I suggest the following condition ;

Condition : The hereby approved opening at first floor level (rear) shall be permanently retained with fixed doors with opaque or obscured glass and with an external privacy screen erected.

Reason : In order to preserve the amenity of the residential occupiers of Fortress Road and adjacent residents by way of overlooking and loss of privacy in accordance with UDP (2006) policy **SD6** – 'amenity for occupiers and neighbours' and **Section 29** of Planning Policy Guidance PPG (2006) – 'overlooking and privacy'.

Document 1



London Borough of Camden
Town Hall
Angle Street
London WC1H 8EQ
Tel 0171 278 4444
Fax 0171 860 5713

Mr C.M Wickham
Ref: CMW/pl/346
41 North Road
London
N7 9DP

Application No: 9500692R3
Case File: E12/20/D

Date: 26 APR 1996

Dear Sir(s)/Madam

DECISION

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure)
Order 1995
Town and Country Planning (Applications) Regulations 1988

PERMISSION FOR DEVELOPMENT - Subject to Conditions

Address :
9-14 Railey Mews, NW5

Date of Application : 16/04/1996

Proposal :

Part redevelopment/ part conversion to provide six single family dwelling houses with integral garages, with roof extensions and elevational alterations; as shown on drawing numbers 2098/01, SK02B, 3C, 4C, 05.

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

Standard condition:

The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.

Standard Reason:

In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.



Director
David Pike



Camden

London Borough of Camden
Town Hall
Argyle Street
London WC1H 8EQ
Tel 0171 278 4444
Fax 0171 860 5713

Additional conditions:

- 1 The details of the elevations and facing materials to be used on the building shall not be otherwise than as shall have been submitted to and approved by the Council before any work on the site is commenced.
- 2 The development shall be constructed in accordance with the drawings hereby approved.
- 3 No development shall take place until full details of hard and soft landscaping and means of enclosure of all unbuilt, open areas have been submitted to and approved by the Council.
- 4 All hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.
- 5 The garage(s) shall be retained and used for the accommodation of private motor vehicle(s) only and no trade or business shall be carried on therefrom.
- 6 Notwithstanding the provisions of Article 3 of the Town and Country Planning General Development Order 1988 (as amended) or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.
- 7 The second floor partition proposed at the rear of nos. 9-11 shall be retained permanently.



Recycled

Director
David Pike

Document 2



Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London WC1H 8ND

RECEIVED 28 JUN 2005

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www.camden.gov.uk/planning

Mr P Gluckstein
11 Railey Mews
London
NW5 2PA

Application Ref: 2005/1728/P
Please ask for: **Celeste Giusti**
Telephone: 020 7974 5809

28 June 2005

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
11 Railey Mews
London
NW5 2PA

Proposal:

Retention of two windows fitted with obscured glass and fixed shut (one to ground floor kitchen and one to 1st floor bathroom) in the rear elevation.

Drawing Nos: SITE PLAN ; PHOTOGRAPHS; PLANNING APPRAISAL; DOCUMENTS;
11/RM/NW5/003

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

Condition(s) and Reason(s):

- 1 The hereby approved openings shall be permanently retained with opaque or obscured glass and fixed shut.

Reason: In order to preserve the amenity of the adjoining residential occupiers by way of overlooking and loss of privacy in accordance with policies EN19 and DS5



of the London Borough of Camden UDP 2000.

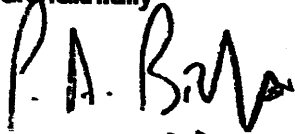
Informative(s):

1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the adopted London Borough of Camden Unitary Development Plan 2000, with particular regard to policies RE2 Residential amenity and environment, EN1 General environmental protection and improvement, EN19 Amenity for occupiers and neighbours, EN21 Alterations to existing buildings, DS5 Visual Privacy and overlooking standard. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

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

Yours faithfully



Environment Department
(Duly authorised by the Council to sign this document)