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PC 1185 . **ALLOWED.**

CAMDEN	
11 MAR 1985	

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Chartered Surveyors and
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CHIEF EXECUTIVE'S
DEPARTMENT
11 MAR
CAMDEN

Your reference
SPE, HR/EH
Our reference
T/APP/X5210/A/84/020127/P4
Date

7 MAR 1985

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MARVOLE PROPERTIES LTD
APPLICATION NO: E4/12/E. PL/8400803

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the refusal of the London Borough of Camden to grant planning permission for a roof conversion to form 5 self-contained flats at Burgess Park Mansions, Fortune Green Road, London NW3. I have considered the written representations made by you and by the Council and other interested persons. I inspected the site on 17 January 1985.

ALIN

2. The proposed flats would be sited within the present roof space of the extensive 4 and 5 storey premises. You state that both the volume and area of the proposals is less than 10% of the total volume and area and that in accordance with provisions of the relevant Act, planning permission should have been granted and in the event of this appeal being dismissed a Section 169 Claim will be submitted. I accept your contention that the entire premises described as Burgess Park Mansions should be included for purpose of measurement and that it would be inappropriate to exclude Nos 7-10 Burgess Park Mansions for this purpose. However, the Council considers the floor area of the proposed flats to be much more than your figure submitted. There is in my opinion an element of doubt in this matter and I shall determine this appeal on the basis that planning permission is required.

3. From my inspection of the site and its surroundings and from the written representations made I have concluded that there are 2 main issues to be settled: first, whether or not the circumstances of this appeal are such that an exception may be made to the Council policy in regard to density and parking standards, and second, whether or not the proposals if permitted would result in an unacceptable loss of amenity to neighbouring residents in terms of privacy and quiet.

4. The Council refers to the District Plan and to its Environmental Code wherein it states that a plot ratio of 1.2:1 and a density of 140 habitable rooms per acre should not be exceeded. These standards are already greatly exceeded in the existing premises. You refer to a recent appeal decision at Langlands Mansions, Finchley Road where an appeal of a similar nature to this was considered. In that appeal the Inspector found that because the bulk of the building would not be exceeded and its appearance little changed if additional flats were accommodated, then the increased plot ratio and density would not be a significant factor.

5. In that appeal the additional flats represented an increase from 12 to 17 units whereas in this appeal the proposals constitute a much smaller relative increase

of 13 habitable rooms upon the present total of about 100 habitable rooms. Because your proposals would not increase the bulk of the premises I do not consider that the density and plot ratio increase would be obvious or significant.

6. The Council's standards for parking would require provision within the appeal site of 5 additional car spaces which cannot be contrived. I accept that the Council's parking standard should be maintained wherever possible but in this case I consider it must be balanced against the contribution to housing stock which the proposals would make and to the availability of public transport. In this dense urban area the small increase in street parking would not in my opinion be a significant factor.

7. Turning to the second issue, your proposals would involve alterations to landings below the roof space. This would result in a lengthening of the top floor landing of Nos 1-6 Burgess Mansions. At Nos 11-18 the new stair would commence close by a flat entrance, and another new stair diagonally opposite the flat entrance at No 2 Burgess Park Mansions. These are all common landings and I do not consider the proposals would constitute a loss of privacy to the flats or a hazard to persons using the landings, or a serious loss of landing space.

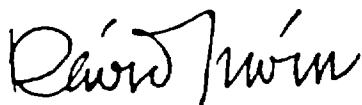
8. The additional flats would undoubtedly generate a measure of sound disturbance through the ceilings of the present top floor flats. However, the construction standards which the Council would impose under other legislation would I consider substantially reduce noise transmission between adjacent floors. Fears have been expressed that the proposed windows would overlook balconies and other dwellings. I am satisfied that this would not be so since the proposed dormer windows would be set within the roof slope as illustrated on your drawing 528/5/9, and the nearest new window facing Flat B, No 551 Finchley Road would be at an angle and would serve a bathroom only.

9. I have taken account of all the other matters raised in the representations but do not find them sufficient to outweigh the considerations which have led to my decision. These considerations include the Council's acceptance in principle of the provision of additional accommodation within roof spaces subject to certain amenity safeguards which in my opinion will be met by the proposals.

10. For the above reasons and in exercise of the powers transferred to me I hereby allow this appeal and grant planning permission for the roof conversion to form 5 self-contained flats at Burgess Park Mansions, Fortune Green Road, London NW3 in the terms of the application No E4/12/E PL/8400803 dated 30 April 1984 and the plans submitted therewith and numbered 528/4/5, 528/4/6, 528/4/7, 528/4/8, 528/5/9; survey drawings 528/5/1-4 inclusive and amended drawings 528/4/5A and 528/4/6A subject to the development hereby permitted shall be begun not later than 5 years from the date of this letter.

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



R D IRWIN DipArch ARIBA
Inspector