

ALLOWED

Reg 2137

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G 7/11/11

Department of the Environment and  
Department of Transport

Common Services

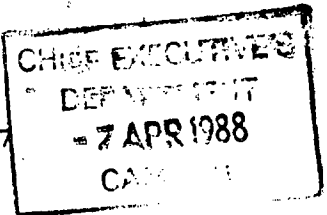
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513

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T/APP/X5210/E/87/802652/P4  
X5210/A/87/77521/P4

Date

6 APR 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULES 9 AND 11  
APPEALS BY MR AND MRS D MORTIMER

APPLICATION NOS:- HB/8770030/ Case file No. G7/11/11  
PL/8700145/R1 Case file No. G7/11/11

- As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeals. These appeals are against the decisions of the London Borough of Camden Council to refuse conservation area consent for the demolition of garages and planning permission for the erection of a 2 storey 2 bedroom house at 25a College Crescent, London NW3. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on Tuesday 19 January 1988.
- From the representations made I consider the main issue in this case is whether your clients' proposals would be likely to result in a loss of amenity for neighbouring residents or be harmful to the appearance of the conservation area.
- The site consists of a double garage and forecourt adjoining the garden of 25 College Crescent. From my inspection I note that there is no access to No. 25 from College Crescent and that entry to the flats is from Belsize Park, facing the flank wall of the garage. The garage is a rectangular block, whereas the site is irregular in shape, thus leaving a gap of varying width between the garage and the boundary walls. The gap has been filled with rubble and garden rubbish visible from the garage roof. The boundary wall to No. 26 slopes considerably.
- From the roof of the garage there did not appear to be any appreciable difference between the level of the garden at No. 26, and the level of the paving at No. 25, but if anything the garden at No. 26 seemed marginally higher. The height of the parapet wall to the garage was approximately 0.9 m above the height of the boundary wall. There were no windows in the flank wall of 55 Belsize Park on the north-east of the site. A robinia tree in the front garden of No. 55 enhances the street scene, but is old, has been lopped and is past its prime.
- Flats at 26 Belsize Park face north-east over a walled garden, gaining additional light from the south-east over the roof of the garage. No. 56 Belsize Park faces the appeal side across the road and the upper flats have the benefit of garden views over the roof of the garage.
- The proposals are to demolish the garage and to erect a small house which would extend to the boundary wall. The level of the boundary wall would be the start of the roof, which would rise at 55° pitch to a flat roof surmounted by railings and a cupola. There would be a 2.5 m set back from the rear boundary on the north-east

corner to provide a patio at ground floor level. The set back would continue at first floor level and there would be windows and a french door onto a balcony which would be recessed approximately 1.5 m from the boundary wall. The ground floor level would be sunk about 1 m into the ground, evidently to avoid any overbearing effect.

7. Although there have been objections to this scheme from the occupants of the garden flat at 26 College Crescent, it does not seem to me that there are any strong grounds for objection on the basis of loss of sunlight or privacy, because the appeal site adjoins the end part of the garden of No. 26 and is not very close to the garden flat. The roof would start at a line below the top of the existing boundary wall and would taper, therefore the passage of sunlight to the garden or the flat is not likely to be greatly diminished. There would be no windows facing the flats at No. 26, the balcony would face north-east, an aspect which suggests to me that it would be little used and would only create an internal impression of spaciousness. Moreover the balcony would be screened from No. 26 by the projection of the roof, and views from the bedroom would be over the end of the adjoining garden. The overall height of the building would be quite low, with the exception of the cupola. The cupola is intended to light the stairwell and no access to the roof is proposed.

8. The proposed dwelling, in my opinion, would not result in any undue loss of amenity for adjoining residents. Views of trees would still be visible at the side of the roof from 56 Belsize Park and I consider that the appearance of the proposed dwelling would be an improvement on that of the existing garage.

9. The garages are unattractive in themselves and are not in a good state of repair. The relationship of the garage walls to the boundary walls seems to me to be unsatisfactory because the gap holds rubbish. In my view the garages do not enhance the quality of the conservation area and I see no sufficient reason to oppose their demolition.

10. Camden Council initially objected to your clients' proposal on the basis of density but have conceded in their statement that the density would be within the acceptable range. Nevertheless they still consider that the proposal would result in overdevelopment of the site and refer to the loss of garden space at 25 College Crescent.

11. The site is fully developed as a garage therefore no garden space would be lost as a result of this scheme. On the contrary proposals for planting along the walls of the courtyard seem to me likely to restore the character of a garden and to enhance the conservation area.

12. There have been a considerable number of objections related to the loss of parking space, and the demand for increased parking which would stem from this proposal.

13. At present there are garages for 2 cars on the site, and it would be possible for 2 cars to park in front of the garages on the forecourt. But tandem parking of this type is only feasible in a limited range of circumstances so for practical purposes it is reasonable to assume that only 2 vehicles would normally be accommodated on the site.

14. Camden Council consider the garages relate to the use of No. 25, but you point out that they are separately rated and are not let to tenants at No. 25. There is one parking place at No. 25 and evidently permission was obtained to create an additional space in 1972.

15. Your drawing suggests that the existing garage forecourt would also provide vehicular access for No. 25, but evidently the parking proposals were intended to be the basis for discussion and you also favour the retention of the existing parking arrangements.

16. Closing the existing vehicular access to No. 25 would be likely to increase parking at the kerb and there might be some difficulty in combining the ramp down to No. 25a with the turn into No. 25. These factors suggest that a retention of the current parking arrangements may be preferable. In my view either solution would be acceptable.

17. In view of the fact that the use of the garages at No. 25a is not restricted to the parking of vehicles for the occupants of No. 25, I consider that there would be no real loss of parking to that property. The overall number of parking places would not be reduced as a result of these proposals and there is the possibility that additional parking could be provided at No. 25.

18. The new house would generate some demand for parking, and although this would be accommodated on site there could be a slight worsening of the overall demand/provision position. I realise that there's a general demand for on street parking even where, as here, public transport facilities are good. However, I do not consider that this factor is a sufficient reason to dismiss the appeal.

19. I note the Inspector's decision in relation to land at the rear of 104 Fitzjohns Avenue but it seems that the loss of trees was an important factor in that case. There are no trees on the site in this case and measures are proposed to protect the tree on the adjoining site, therefore there seems to be no parallel with this proposal. In the opposite sense a number of small infilling schemes have been carried out in the locality.

20. The Council have asked for several conditions to be considered, related to the use of materials and landscaping, and to the use of the roof terrace and the parking facilities in the event of this appeal being allowed.

21. The materials and suggestions for landscaping are indicated in the application and since I find these satisfactory I do not consider it to be necessary to regulate these by condition. The proposed flat roof has been a considerable cause for concern therefore, in order to protect the privacy of neighbours, I propose to add a condition that it shall not be used other than for maintenance. In addition, in order to prevent undue pressure on parking facilities in Belsize Park, I propose to add a condition to limit the use of the parking facilities on the appeal site to the occupiers of the proposed dwelling.

22. I have taken into account all the other issues that have been raised but these have not proved sufficient to outweigh the considerations that have led to my decision.

23. For the above reasons, and in exercise of powers transferred to me, I hereby allow these appeals and grant conservation area consent for the demolition of garages and planning permission for the erection of a 2 storey 2 bedroom house at 25a College Crescent, London NW3 in accordance with the terms of the application (Nos HB/8770030/ Case file No. G7/11/11 and PL/8700145/R1 Case file No. G7/11/11 respectively) dated 5 January 1987 and the plans submitted therewith, subject to the following conditions:

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.
2. The flat roof shall not be used other than for maintenance purposes.

3. Use of the on-site parking facilities shall be limited to the occupants of No. 25a College Crescent.

24. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 and Section 277A of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant

*Ann R Bridger*

ANN R BRIDGER BA(Hons)Arch DipUD MA RIBA MRTPI  
Inspector