#### DISCLAIMER

Decision route to be decided by nominated members on Monday 25<sup>th</sup> February 2008. For further information see

http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planningapplications/development-control-members-briefing/

<b>Delegated Repor</b>		oort	Analysis sheet		Expiry Date:	04/02/2008		
(Members Br		1	N/A / attached		Consultation Expiry Date:	21/02/2008		
Officer				Application Nu	mber(s)			
Officer         Philip Niesing         Application Address         10A Daleham Gardens         London         NW3 5DA         PO 3/4         Area Team Signature				2007/6322/P				
Application A	ddress			Drawing Numbers				
London				7480/TP/01; 7480/TP/02; 7480/TP/03; 7480/TP/04				
PO 3/4	Area Tean	n Signature	C&UD	Authorised Offi	cer Signature			
Proposal(s)								
The formation of a new pedestrian access gate/door to Daleham Mews.								
Recommend	ation(s):	Grant planni	ng permission	with conditions				
Application Type:		Full Planning Permission						

Conditions:	Refer to Draft Decision Notice								
Informatives:									
Consultations									
Adjoining Occupiers:	No. notified	21	No. of responses No. electronic	08 00	No. of objections	05			
Summary of consultation responses:	<ul> <li>Site Notice placed on 31/01/2008</li> <li>Objections received from occupiers in Daleham Mews: <ol> <li>Loss of privacy due to increase in pedestrians</li> <li>Loss of amenity space shared by the occupiers of the Mews</li> <li>Constant obstruction caused by deliveries</li> <li>Spoil the quiet character of the Mews</li> <li>Damage to the cobbles in Daleham Mews</li> <li>Removal of the shrubs along the boundary wall</li> <li>Obstruction of access and disabled bay at 35 Daleham Mews</li> <li>Safety and stability of the boundary wall</li> <li>The Design and Access statement is inaccurate and misleading as the access does not presently exist</li> <li>Answers to questions 2 (new access will be created) and 5 in section 8 of the planning application form are incorrect and misleading.</li> <li>Certificate B does not record the Daleham Mews landowners as having been served notice namely households 33, 35, 37.</li> </ol> </li> <li>Objections from CIIr. Martin Davies and CIIr. Arthur Graves, supporting some of the above concerns. CIIr Martin Davies requests that the application is referred to the DC Committee for determination.</li> </ul>								
CAAC comments:	Fitzjohns/Nethe	erhall CA	AC – No objections						
Fitzjohns/Netherhall ConsRelevant History2003- Planning permise	ervation Area. (It bstantial semi-de igh the building ervation Area. sion was granted	is also a etached r is not for the er	ddressed in the Belsiz residential property th Listed it is consid ection of a single store	e Park C at has b ered a ey rear co	onservation Area Sta een sub-divided into positive contributor onservatory extensior	tement) 5 self- to the			
<ul> <li>2004 - Planning permiss boundary wall.</li> <li>2006 - Planning permiss balcony, relocation</li> </ul>	sion was granted sion granted for a n of windows and	d for the single-s doors or	installation of pedest torey rear extension b front and rear lower of to the front staircase.	rian acc eneath a	ess gate in the rear n existing upper grou	garden Ind flooi			

## **Relevant policies**

## London Borough of Camden Replacement Unitary Development Plan 2006

- S1, S2, SD1 Sustainable development
- SD6 Amenity for occupiers and neighbors
- B1 General design principles
- B3 Alterations and extensions
- B7 Conservation areas
- T12 Works affecting highways

## Camden Planning Guidance 2006

Section 10. Conservation Areas Section 19. Extensions, alterations and conservatories

#### Fitzjohns/Netherhall Conservation Area Statement Belsize Park Conservation Area Statement

#### Assessment

The applicant is seeking planning permission to insert a pedestrian access gate in the rear garden boundary wall. In 2004 planning permission was granted under 2004/2470/P for a similar opening in the centre of the rear garden boundary wall. The site visit confirmed that this opening does not exist at present. Apparently it was formed, but was subsequently bricked up again. The applicant is now seeking planning permission to introduce an opening nearer to the north-eastern corner of the boundary wall.

The proposed opening would be located 1000mm from the northeast corner of the boundary wall, near to the existing rear access gate at the adjoining property [no. 12]. It would be a 925mm wide opening with a timber door, painted white on the side facing Daleham Mews and black on the side facing into the rear garden. The applicant was advised by a structural engineer that a brick buttress needs to be built into the bricked up door and on either side of the proposed new door opening for structural purposes. The applicant proposes to build these buttresses on the garden side, in brick that would match the existing brickwork [they would thus not be visible from the Mews].

# Material considerations:

The proposed opening is very similar to, and essentially raises the same issues as, a previously approved development. The proposed opening would not result in any loss of daylight/sunlight to the neighbouring properties or any loss of privacy due to overlooking. Having regard to the fact that a similar pedestrian access gate in the subject wall already exists at no.12, and that the proposed materials would match the white boundary wall along Daleham Mews, it is considered that the proposed access gate would not detract from the character and appearance of the Mews or the Conservation Area.

The objectors are concerned that the proposed entrance would result in loss of privacy due to an increase in pedestrians and traffic in Daleham Mews. However, as Daleham Mews is a public highway and the proposed entrance would only serve pedestrians from no.10A Daleham Gardens, it is considered that no unreasonable harm would be caused to the amenities of the neighbouring properties, specifically occupiers in Daleham Mews. The possibility of parking in a non-designated parking bay is a matter that should be controlled by separate legislation and is not a material planning consideration. Camden Planning Guidance states in section 31.10 that '*Design must avoid projections into the footway from adjacent buildings, forecourts and courtyards, such as doors, windows and gates.*' The Council's Transportation Planners have no objections to the proposal, subject to the proposed door opening into the site, rather than outwards into Daleham Mews – this should be the subject of a condition.

Other matters raised by the objectors:

- 1. The safety and stability of the boundary wall this is not a material planning consideration and is covered by the standard Building Regulations informative.
- 2. It is clear from the Design and Access statement and from the site visit that the approved pedestrian access gate does not currently exist any alleged 'inaccurate and misleading' statements are not considered to be matters that would change the recommendation of this decision. It is clear what the planning history and current situation are.
- 3. Service of Certificate B Section 66 of the Town and Country Planning Act 1990 only requires that notice is served on the owners of any part of the land to which the application relates and it is not required to be served on neighbouring properties.

It is considered that the proposed pedestrian access gate would not cause undue harm to the amenities of the neighbouring properties or the character and appearance of the surrounding conservation area. The proposal is considered to comply with Unitary Development Plan policies and the Fitzjohn/Netherhall and Belsize Park Conservation Area Statements.

In order to prevent any obstruction along Daleham Mews, a condition is attached to the permission requiring that the proposed door opens into the site and not outwards into Daleham Mews.

**Recommendation:** Grant planning permission with conditions