

## 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/planning-applications/development-control-members-briefing/>

<b>Delegated Report</b> (Members Briefing)		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>04/02/2008</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	21/02/2008
<b>Officer</b>		<b>Application Number(s)</b>		
Philip Niesing		2007/6322/P		
<b>Application Address</b>		<b>Drawing Numbers</b>		
10A Daleham Gardens London NW3 5DA		7480/TP/01; 7480/TP/02; 7480/TP/03; 7480/TP/04		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
The formation of a new pedestrian access gate/door to Daleham Mews.				
<b>Recommendation(s):</b>	Grant planning permission with conditions			
<b>Application Type:</b>	Full Planning Permission			



## 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