

Delegated Report		Analysis sheet		Expiry Date:		14/09/2007	
		N/A / attached		Consultation Expiry Date:		3/9/2007	
Officer				Application Number(s)			
Hugh Miller				2007/3591/P			
Application Address				Drawing Numbers			
47 Nassington Road London NW3 2TY				Site Location Plan 47NR/001; Appendix A; x 02 Photo Sheets; Covering Letter			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Removal of condition 2 (revoking permitted development rights) of 2005/5034/P dated 31/01/06 (for change of use and works of conversion of flat and maisonette in to a single family dwelling).							
Recommendation(s):		Grant					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	14	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		No response. Site Notice displayed 17/8/2007. No response.					
CAAC/Local groups* comments: <small>*Please Specify</small>		<u>The Heath & Hampstead Society:</u> We assume that there must be good reason to impose this condition originally and we therefore support its retention.					

Site Description

The site comprises of a semi detached two storey property with habitable area in the lower ground and loft space and is located on the southern end of Nassington Road, on the border with the Parliament Hill, Hampstead Heath.

Relevant History

- Pp (Ref: 8501934) granted January 1986 for the conversion of single family dwelling to form 1 x 4bed maisonette and 1 x 2bed flat
- Pp (Ref: 8803641) granted in April 1988 for work of conversion to form a self-contained two bedroom flat on the first floor as shown on drawings No.1 and 2.
- Pp (Ref: PW9702536) refused in September 1997 for the erection of a roof extension to provide two additional bedrooms for the second floor flat.
- Pp (Ref: PW9802770) granted (Subject to Appeal Decision) in September 1999 for the erection of hipped dormer extension to side roof, dormer window to rear roof and 3 rooflights to front roof to create additional attic space for 2nd floor flat.
- Pp (Ref: 2005/5034/P) granted in January 2006 for change of use and works of conversion of first floor flat and maisonette at ground floor, second floor & attic floor levels, into a single-family dwelling.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

RUDP 2006:

B1 –General design principles

B3 – Alterations and extensions.

B7-Conservation areas.

Assessment

Background

In January 2006 conditional planning permission was granted for the change of use and works of conversion of first floor flat and maisonette at ground floor, second floor and attic floor levels, into a single-family dwelling on condition inter alia:

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A, C, F) and Part 2 (Classes B) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Council.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies EN1, EN13 and EN19 of the London Borough of Camden Unitary Development Plan 2000, and policies B1, SD1 & SD6 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

Part 1

Class A –The enlargement, improvement or other alteration of a dwellinghouse,

Class C –Any other alteration to the roof of a dwellinghouse,

Class F –The provision within the cartilage of a dwellinghouse of hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such.

Part 2

Class B–The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part),

Officers attached the above condition so as to preserve the character and appearance of this part of the CA in line with UDP policies. However, no.47 has a dormer window (see history section above) at the rear roofslope. It also has a dropped kerb/crossover for vehicle to park within part of its front forecourt/ hardstanding (see photo attached). The adjacent properties have a variety of extensions at garden level, roof alterations and or extensions. As the roof has already been altered and there is an existing crossover /hardstanding it would be unreasonable to retain condition 2 because it would not comply with the 6 tests, i.e. is the condition:

1. Necessary,
2. Relevant to planning,
3. Relevant to the development to be permitted,
4. Enforceable,
5. Precise
6. Reasonable in all respects.

Condition 2, is usually attached to new high-density residential development to prevent incremental additional development which would otherwise impact on neighbour amenity (e.g. sun/daylight, sense of enclosure and loss of privacy). In any event, as a single-family dwellinghouse the property will be entitled to other material alterations and possible extensions within the permitted development rights as per the GPDO 1990 as amended; such alterations (insertion of window) would not necessarily harm the C.A. As condition 2 could not be said to have satisfied the above 6 tests its removal in this instance is acceptable.

Given the existing situation and notwithstanding the need to seek to preserve the character and appearance of this part of the CA it is considered that in this instance the removal of condition 2 is satisfactory.

Approval is recommended.

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