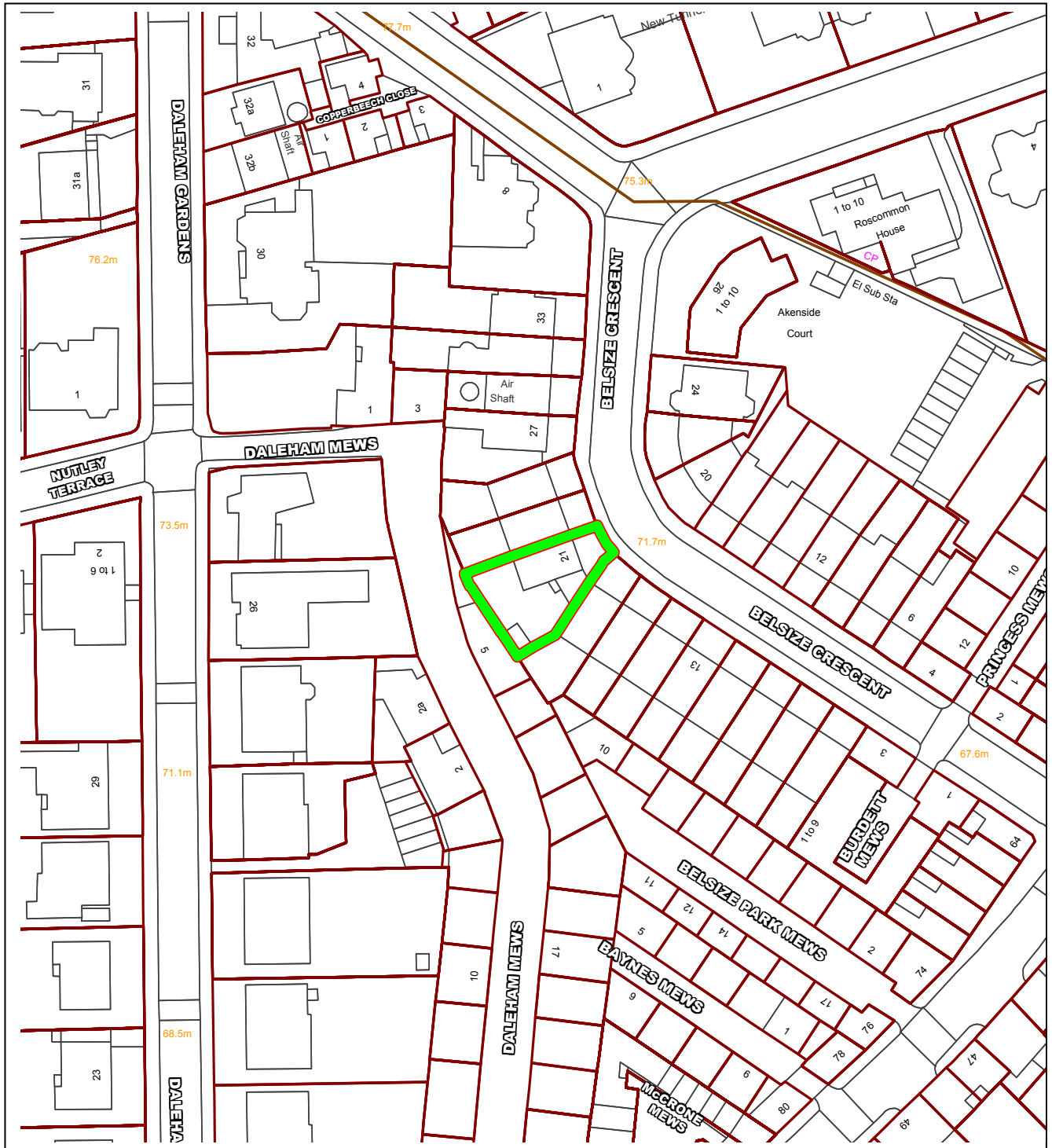


# 21 Belsize Crescent – Site location plan



## 21 Belsize Crescent - Pictures



Front elevation (right hand side property)



Rear elevation of side extension (aka Avalon Cottage)





Door between main house and extension.



Interior view of extension.

<b>LDC (Proposed) Report (Members briefing)</b>		<b>Application number</b>	2014/2947/P
<b>Officer</b>		<b>Expiry date</b>	
Carlos Martin		20/06/2014	
<b>Application Address</b>		<b>Authorised Officer Signature</b>	
21 Belsize Crescent London NW3 5QY			
<b>Conservation Area</b>		<b>Article 4</b>	
Belsize Park		<p><b>Yes. The following PD rights have been removed:</b></p> <p><u>Class A:</u> The enlargement, improvement or other alteration to the principal elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street or other publically accessible space.</p> <p><u>Class C:</u> Any other alteration to the roof on the principal elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street or other publically accessible space.</p>	
<b>Proposal</b>			
Alterations to existing side extension including installation of new doors to rear, new rear roof finish and rear facing conservation rooflights.			
<b>Recommendation:</b>		Grant certificate	

1. Site
2. The application site is located on the west side of Belsize Crescent and comprises a four-storey property with attic and a single storey side extension. The building is not listed and is located in the Belsize Park Conservation Area.
3. Proposal and revisions
4. The proposed works would affect the existing side extension only. On the rear elevation the existing brickwork would be cleaned, repointed and left exposed. A new opening would be created symmetrically for traditional timber framed concertina doors to be set into. The doors would be set back into the façade behind traditional half brick reveals.
5. The proposed works to the roof involve replacing the existing asphalt finish on rear slopes with standing seam lead roof to match the leadwork on the front dormer of the main house and installing two conservation style rooflights to the rear slope.

6. The proposal has been amended when it became clear that the Article 4 Direction precludes any alterations to the front elevation and the front roofslope, thus works originally proposed for these areas have been removed from the application. However, the drawings have been annotated with details of the repair works that do not constitute development. These consist of:
- Existing asphalt finish on front roof slope and ridge to be repaired or replaced like for like as necessary.
  - Existing roof structure to be repaired or replaced as necessary. Any replacement that affects the party wall with number 19 to be dealt with via the party wall process.
  - Existing fascia boards to be refurbished or replaced like for like and new leadwork lapped into new gutters and downpipes to match existing.
  - The existing flashings to numbers 19 and 21 to be retained and repaired if necessary. Any repair that affects the party wall with number 19 to be dealt with via the party wall process.
7. The relationship between the existing roof and the neighbour's existing side stair window would remain unchanged.
8. Background information
9. The existing side extension was built unlawfully and partially blocks the side window of the adjoining property at no. 19. A complaint logged in 1988 was investigated but the Enforcement department did not take action and consequently the extension is now lawful, as it was built more than 4 years ago.
10. The proposed works are considered permitted development for the reasons detailed below:

<b>Class A</b> The enlargement, improvement or other alteration of a dwellinghouse		
If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (a)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (b)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1 (c)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	No
A.1 (d)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and	N/A (proposal does not

	(ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	involve enlarging the property)
A.1 (e)	Will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	N/A
A.1 (f)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	N/A
A.1 (g)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	N/A
A.1 (h)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse?	N/A
A.1(i)	Would it would consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No
Is the property in a conservation area? If yes to any of the questions below then the proposal is not permitted development		
A.2(a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	No
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	N/A
A.2(c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	N/A
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be—	N/A

	(i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A
<b>Class C</b> Any other alteration to the roof of a dwellinghouse		
C.1(a)	As a result of the works, would the alteration protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof?	No
C.1(b)	As a result of the works, would it result in the highest part of the alteration being higher than the highest part of the original roof?	No
C.1(c)	Would it consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment?	No
Condition. If no to the question below then the proposal is not permitted development		
C.2	Would any upper-floor window located on a roof slope forming a side elevation of the dwellinghouse be— (a) obscure-glazed, and (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	N/A

### **Third party objections:**

Although there is no formal consultation requirements for Certificate of Lawfulness applications, 8 letters of objection have been received. Some of the comments refer to the merits of the proposal, which are not relevant for Certificate of Lawfulness applications, as the purpose of such applications is to determine if the proposed works comply with the criteria for permitted development, as listed above.

### **Relevant grounds of objection:**

1. This building should never have been built in the first place and if Camden acted correctly, the original structure should have been demolished. An application to rebuild the structure on the reassurance that it is only going to be the same as the existing structure is not the point. This is failing to recognise that this building should not exist and certainly should not have been built over our window.
2. The proposal, if granted the certificate, will legitimise this non-permitted infill extension. Legitimising such substandard extensions in this area may create dangerous precedent to other unscrupulous developers.



3. The area is covered by Article 4 which this application offends.
4. I have been reassured on many occasions by Camden that when a development of the unpermitted structure takes place--and it has been lying derelict for over 10 years—it would require full planning permission, at which stage the full conservation guidelines would apply. It was hoped that we would have a building there which would enhance the conservation area. And since then Camden has additional powers under Article 4 Direction, as the space between the terraces is highly visible from the street.
5. The photographs contained in Member's Briefing 14/11/2013, as part of Aragon Land's submission, prepared by the Case Officer, demonstrate beyond all doubt the dilapidation of the building, so this development will involve a piecemeal demolition, and a rebuilding, referred to the applicant as "development" or a "refurbishment". The facts speak for themselves; it is a complete re-development. The builders will cast aside every piece of the old building and construct anew, in the same unpermitted shape. The building would be a blight on the conservation area for years to come.
6. The applicant proposes to replace the existing roof felt finish with standing seam leadwork to match the dormer window of the main house. These new roof details are re-cladding or covering, hence are not permitted by the Order, as they would not fall under the condition.
7. Under condition A.3 (a) it is required to use materials similar to those used in the construction of the dwellinghouse. It is not clear or explained if the roof details are similar in external appearance or different to the existing felt roof.
8. Class A gives no rights for the insertion of rooflights, windows or doors.
9. Section 55(2) of the Act states that works which do not affect the external appearance of the building are not development. The case file records a dilapidated structure in a poor state of disrepair. The applicant has accepted that the works are development and proposed a complete refurbishment, a new roof and materials, the insertion of new rooflights and new doors and windows. These are comprehensive changes to the fabric/appearance of the building and are deemed to be building operations, because of the wide scope of the definition at section 336 of the 1990 Act which includes "other operations normally carried out by a builder". These are not minor accretions or alterations and do not fall within the *de minimis* principle.

Officer's comments:

1. The existing extension was built without planning permission. However, it is now lawful, as it was built more than 4 years ago and enforcement action was not taken.
2. The current application only establishes whether the proposed works constitute permitted development and would not establish a valid precedent for future

development that would require planning permission, when the merits of the proposal would be considered.

3. The article 4 (as detailed above) removes permitted development rights to the front and side elevation and roofslope where these face the highway. Accordingly, the proposal has been amended to remove any alterations to those areas, so they are only at the rear.
4. Development that requires planning permission will be subject to conservation guidelines and planning policies. However, in this case, the works constitute planning permission and the Council has no power to discuss the merits of the proposal.
5. The proposed works involve alterations to the rear part of the roof and the rear elevation of the extension. It is not proposed to demolish the entire structure and rebuild it anew.
6. Condition A.2 (a) states that “development is not permitted by class A if it would consist or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles”. As lead is not within this list, it is considered that the proposal does comply with this condition.
7. The proposed roof finish would match the finish of a dormer of the main house. Therefore, it would be similar to materials used in the existing house.
8. Windows and doors are covered by Class A as long the conditions of the class are met, which they are in this case. Rooflights are covered by Class C.
9. It is acknowledged that part of the refurbishment works is development which would affect the appearance of the building. This application considers whether they constitute “permitted development”.

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#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 23rd June 2014.  
For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for  
'members briefing'**

Milk architecture & design  
342 Old Street Shoreditch  
London  
EC1V 9DS

Application Ref: **2014/2947/P**  
Please ask for: **Carlos Martin**  
Telephone: 020 7974 2717

19 June 2014

**DRAFT**

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Proposed) Granted**

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

#### First Schedule:

Alterations to existing side extension including installation of new doors to rear, new rear roof finish and rear facing conservation rooflights.

Drawing Nos: Site location plan; 782/S/100 B; -S/109 B; - S/110 B; - S/111 B; - S/112 B; - S/210 B; - S/211 B; - S/2012 B; -P/100 D; -P/109 D; -P/110 D; -P/111 D; -P/112 D; -P/210 D; -P/211 D; -P/310 D; & -P/311 D.

#### Second Schedule:

**21 Belsize Crescent**  
**London**  
**NW3 5QY**

#### Reason for the Decision:

- 1 The proposed works are permitted under Class A and Class C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No. 2) (England) Order 2008.

#### Informative(s):



You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Rachel Stopard  
Director of Culture & Environment

#### Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/would have been\* lawful on the specified date and thus, was not\*/would not have been\* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.