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Application Ref: **2015/1038/P**  
Please ask for: **Yuyao Gong**  
Telephone: 020 7974 **3829**

18 June 2015

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Flat 137  
Broadhurst Gardens  
London  
NW6 3BJ**

Proposal:

Installation of new door aperture balcony and railings at rear 4th floor level.  
Drawing Nos: DFA 100332 001, DFA 100332 002 REV A

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as



possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans DFA 100332 001, DFA 100332 002 REV A.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Reasons for granting permission.

The proposed new double glazed door with toughened safety glass and railings around the proposed balcony on the 4th floor level would be a subordinate feature on the host building which has five storeys and several existing balconies. The proposal consists of a black mild steel balcony frame with timber decking over frame and black mild steel balustrade/railings. The design and materials of the proposal respect the character of the building and the South Hampstead Conservation Area and would be in general compliance with the advice given in CPG1.

With regard to amenity, the balcony would be located on the 4th floor of the subject building. Although the balcony would allow views of the rear gardens of the adjacent properties to the east on Broadhurst Gardens, the existing arrangement already includes a number of windows facing this direction on every floor of the subject building which also overlook these rear gardens. It is not considered that the proposed balcony would be of any greater materials detriment than the existing arrangement in terms of overlooking. Furthermore, the rear elevations of these properties are set back from the rear elevation of the subject property and would not be subject to overlooking. As a result, it is considered that the proposed development would not cause unacceptable impacts in terms of overlooking and loss of privacy upon the properties along Broadhurst Gardens to the east of the site. It is considered that the installation of the balcony would not cause an unacceptable noise impact upon No. 123, by virtue of its size and proximity.

The planning history of the site has been taken into account when coming to this decision. Planning permissions were given for the balconies at Flat 127 (2007/2807/P), Flat 135 (30715) and Flat 125 (P9603253). There was an appeal decision (Ref. APP/X5210/A/13/2206248) related to planning application (Ref. 2013/3989/P) which related to, amongst other works, the creation of 4x balconies to rear of 125, 129, 133 & 137 Broadhurst Gardens. The four balconies proposed in this application were on the side elevation of the host building. These were much closer to the neighbouring property No. 123 and would look directly into the rear

garden of No. 123. One objection was received prior to making this decision concerning loss of privacy and noise.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies and CPG1 and CPG6 of the Camden Planning Guidance. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan March 2015, consolidated with alterations since 2011; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully



Ed Watson  
Director of Culture & Environment