

Ward:Camden

Officer: John Davies

Camden Square Conservation Area

Address : 39 Camden Mews, NW1

Date of Application : 21/02/2000

Application Number: PEX0000168/ Case File:G13/18/13

Proposal :

Retention of alterations comprising the installation of sliding patio doors at ground floor level and openable windows on ground, 1st and 2nd floor levels in clear glass at the rear of the building in non-compliance with Conditions 5 and 6 of appeal decision dated 28th November 1998.

As shown on drawing numbers: 39CMWD-02D

RECOMMENDATION SUMMARY : Refuse planning permission and enforce

Applicant

Adelphoi Nicolaidēs
c/o Papaloizou Architects

Agent

Papaloizou Architects
Attn: George Kalopedis
137a Tottenham Lane
Crouch End
London
N8 9BJ

<p>LONDON BOROUGH OF CAMDEN TOWN AND COUNTRY PLANNING ACTS</p> <p>20 JUL 2000</p> <p>RECOMMENDATION AGREED ON BEHALF OF THE COUNCIL</p>

OFFICER REPORT:

1. SITE

1.1 No.39 Camden Mews is a small site to the rear of no.190 Camden Road. A two storey and mansard dwelling house has been erected on the site pursuant to an appeal approval. Whilst works have largely been completed it has not been occupied yet. The building has no rear garden and the rear elevation is on the boundary with 190 Camden Road, which is a house divided into flats. The site comes within the Camden Square Conservation Area.

now may have a small rear garden + fence

2. PROPOSAL

2.1 Retention of amendments to the scheme approved on appeal in November 1998 comprising the installation of sliding patio doors at rear ground floor level in place of glass blocks and openable windows on ground, 1st and 2nd floor levels in clear glass in place of obscured glass and not fixed shut.

3. RELEVANT HISTORY

3.1 Planning permission was granted on appeal on 28th November 1998 for the erection of a 3 bedroomed dwelling. The decision was subject to a number of conditions including approval of samples of materials, roof area not be used as terrace, all windows on rear elevation to be fitted with obscure glazing and none of the windows on the rear elevation to be openable.

4. RELEVANT POLICIES

4.1 Relevant Draft UDP policies include the following: EN27 (neighbour amenity) and EN 33 (conservation areas).

5. CONSULTATIONS

5.1 **Statutory Consultee Comments**

None

5.2 **Conservation Area Advisory Committee Comments**

No comments received.

5.3 **Local Group comments**

None.

5.4 **Adjoining Occupiers**

Number Notified	1
Replies Received	1
Objections	1
In support	0

Objection from occupier at 190 Camden Road on grounds of loss of privacy.

6. ASSESSMENT

- 6.1 The main issue in this application is whether it is appropriate to relax the restrictive conditions set out in the Inspector's decision letter, which were imposed in order to protect the amenity of the neighbour at 190 Camden Road from overlooking and loss of privacy. In this regard UDP policy EN27 is relevant.
- 6.2 The Inspector's decision on the appeal considered two main issues. Firstly, the impact of the development on the conservation area, and secondly, the impact on living conditions at 190 Camden Road in terms of overlooking and loss of privacy. On the second issue, the Inspector concluded that the proposed development would not have an unacceptable impact on living conditions so long as all windows were obscure glazed and no openable windows were installed without the prior approval of the Council.
- 6.3 The occupier at no.190 Camden Road has objected to the unauthorised works on the grounds of loss of privacy and to the use of part of her garden during construction work. It was alleged that part of her garden had been appropriated by the developers for use of the occupiers of the application site. The land has now been restored.
- 6.4 It is considered that there is no justifiable reason to depart from the Inspector's conditions in respect of obscure glazing on the rear elevation. The installation of sliding patio doors leading onto the neighbour's land is a gross invasion of privacy together with the the installation of windows in clear glass. It is evident that the windows are also openable and the applicants have not submitted any proposals to the Council in respect of openable windows pursuant to Condition 6.
- 6.5 The alterations, the subject of this report, only affect the rear elevation of the building and are not visible from the public realm. The alterations do not alter the impact of the building on the character or appearance of the Conservation Area.
- 6.6 It is therefore recommended that planning permission be refused for the retention of alterations. It is also recommended that enforcement action be authorised in the form of a breach of condition notice and an enforcement notice to secure the removal of the patio doors and the replacement of clear glass in the windows with obscured glass and the securing of the windows in a shut position within a period of 2 months. It is considered expedient to take such action in the interests of safeguarding the amenity of adjoining occupiers in accordance with UDP policy EN27.

*recalls
change of
situation
due to
erecton
of fence
on land
the Council may
also say the
owner can't
buy*

7. LEGAL COMMENTS

- 7.1 Members are referred to the note from the Borough Solicitor at the start of the agenda.

8. RECOMMENDATIONS

8.1 Refuse Planning Permission (RP)

Reason for Refusal

1. The unauthorised works have resulted in unreasonable overlooking and loss of privacy to occupiers in 190 Camden Road to the detriment of their privacy contrary to UDP policy EN27.

8.2 Breach of Condition Recommendation.

That the Borough Solicitor be instructed to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990, as amended, and officers be authorised in in the event of non-compliance to prosecute under that section.

The Notice shall be served on the owners of 39 Camden Mews and shall allege a breach of planning control by the failure to comply with the terms of Conditions 5 and 6 of the planning permission granted on appeal on 28th November 1998 given reference number T/APP/X5210/A/98/297365/P9.

The conditions are set out below:

5. All windows on the rear elevation shall be fitted with obscured glass which shall thereafter be retained.

6. No openable windows shall be installed in the rear elevation of the building hereby permitted without the prior approval of the local planning authority.

The Notice shall require that within a period of 2 months from the date of service the rear elevation shall be altered to fully comply with the approved drawings relating to planning permission granted on appeal dated 28th November 1998 (refs. T/APP/X5210/A/98/297365/P9) as shown on drawing 39CM-3P-02B.

8.3 Enforcement Notice Recommendation

That the Borough Solicitor be instructed to issue an enforcement notice under section 172 of the Town and Country Planning Act 1990, as amended, and in the event of non compliance with the Notice the Borough Solicitor is authorised to commence legal proceedings under section 179 of the Act or other appropriate power and/or the Director of the Environment Department be authorised to take direct action under Section 178 of the Act to secure compliance with the Notice.

The Notice shall allege the following breach of planning control:-

Alterations to the design of the rear elevation namely the installation of openable patio doors in clear glass and the installation of openable windows at ground, first and second floors in clear glass without the grant of planning permission and contrary to Conditions 5 and 6 of the appeal decision dated 28th November 1998.

The Notice shall require that within a period of 2 months from the Notice taking effect the rear elevation shall be altered to fully comply with the approved drawings relating to planning permission granted on appeal dated 28th November 1998 (refs. T/APP/X5210/A/98/297365/P9) as shown on drawing 39CM-3P-02B.

Reason:

The unauthorised works have resulted in unreasonable overlooking and loss of privacy to occupiers in 190 Camden Road to the detriment of their privacy contrary to UDP policy EN27.