

Mr Tom Rutt

TR Studio  
82 Harwood Street  
London  
NW1 8DS

Application Ref: **2016/1656/P**  
Please ask for: **Darlene Dike**  
Telephone: 020 7974 1029

24 August 2016

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**146 Fellows Road**  
**London**  
**NW3 3JH**

#### **Proposal:**

Change of use from 3 HMO units to one 2 x bedroom self contained flat (retrospective), associated creation of a rear third floor terrace and installation of 1 rooflight to rear roofslope and 3 rooflights to flat central roof pitch.

Drawing Nos: Site Location Plan; E\_001\_2nd & 3rd Floor Plans; E\_002\_Existing Roof Plan; E\_003\_Existing Front and Rear; P\_001\_2nd & 3rd Floors; P\_002\_Roof Plan; P\_003\_Front & Rear; Design and Access Statement; Planning Statement

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 policies 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; Site Location Plan; E\_001\_2nd & 3rd Floor Plans; E\_002\_Existing Roof Plan; E\_003\_Existing Front and Rear; P\_001\_2nd & 3rd Floors; P\_002\_Roof Plan; P\_003\_Front & Rear; Design and Access Statement; Planning Statement

Reason:

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

#### Informative(s):

- 1 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).
- 2 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 Compliance and Enforcement team [Regulatory Services], 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.
- 3 Reasons for granting permission.

The proposal involves the amalgamation of three small bedsit units into a single, larger 2 x bedroom self-contained unit. The HMO unit currently described as Flat L measures approximately 7.8m<sup>2</sup>, whilst HMO units termed Flats M and N measure approximately 17.5m<sup>2</sup> and 29.6m<sup>2</sup> respectively. The combined area of the larger proposed unit would be approximately 76.7m<sup>2</sup>. It is acknowledged that proposals would result in the loss of 3 HMO bedsit units and this falls contrary to policy. It is considered however that the larger self-contained unit created would provide an

improved internal layout and as a result a satisfactory standard of accommodation. This is especially pertinent as the HMO unit referred to as Flat L has been subject to a prohibition notice and deemed unsuitable for habitation as a bedsit. In creating a larger self-contained unit that subsumes this uninhabitable bedsit, proposals will bring back in to use otherwise vacated housing space, and this is welcome. It is recognised that this is at the expense of losing two uninhabitable HMO bedsit units, but this is a strategy supported by environmental health, who were formally consulted on the case, and stated that 'to ensure that residential accommodation continues to be made available...(they)... would not object to the proposal of incorporating the uninhabitable bedsits to provide larger units of self-contained accommodation.' This also follows the principle of the approval granted for the reconfiguration of two existing bedsit units (J & K) at front second floor level of 146 Fellows Road to create a single larger self-contained unit permitted on 12th May 2016 under application with reference 2016/1665/P. As such the proposal is considered to be acceptable in the circumstances.

In relation to the car free initiative, though the proposals involve the creation of a new unit, this is enabled by the loss of 3 existing units which each could have applied for a permit. Consequently the residential unit created here does not need to be car free.

Proposals also include the formation of a rear terrace at third floor level. The boundary treatment of metal railings, and the means of access through simple double paned doors are already present so proposals simply seek to regularise use as a terrace. This use is acceptable in principle as there are several existing examples of rear roof terraces along Fellows Road, most closely at numbers 140, 142 and 144, making terraces of this kind a feature of the rear profile of buildings in the vicinity. Given this context a terrace at 146 Fellows Road would not be out of keeping with its setting. The proposed terrace is also acceptable in terms of its scale and design as its creation involves no intervention to the existing configuration at rear third floor level.

The scheme initially sought to place two rooflights on to the front roofslope, which would have been prominent in views from the street, and so revisions have been made to instead place these within the flat central portion of the roof, alongside a third rooflight. The rooflights in this flat central portion of the roof, by virtue of their location, would have no visual impact on the host building as they would not be visible from the public realm or adjacent buildings. Proposals also seek to place a single rooflight to the rear roofslope, which though visible in views from properties facing 146 Fellows Road at the rear, would be wholly unobtrusive in terms of its scale and detailed design, such that it would serve to preserve and enhance the character and appearance of the Belsize Park conservation area. Consequently, the installation of rooflights included in proposals is also deemed acceptable.

As works to create the self-contained flat are largely internal they will have no bearing on the amenity of adjoining neighbours. Due to the considered location of the proposed rooflights, this aspect of development would not...(continued below)

.....harm the amenity of adjoining occupiers in terms of privacy either. Whilst the development would create new windows, particularly to the rear roofslope, these

would not be closer than the relationship experienced by existing windows, and therefore any detrimental harm caused would be limited and not significant. The use of the 3rd floor flat roof as a terrace does have the potential to affect neighbours' amenity, however it is considered that proposals would not give rise to significant additional overlooking or loss of privacy above that which already exists. Given the presence of existing unscreened terraces at 142 and 144 Fellows Road the level of overlooking between properties and terraces within this area is already considerable and therefore it is felt that the proposed roof terrace, given its small size, would not adversely affect the amenities of neighbouring residents to a detrimental level. Loss of privacy and overlooking are also unlikely to be an issue of concern given that the neighbouring properties at the rear are located well away from the rear building line of the site.

A single objection from Belsize Park Conservation Area Advisory Committee was received prior to making this decision, relating to the placement of rooflights on the front roofslope, however following revisions to the scheme to remove this aspect the objection was formally withdrawn. The planning history of the site and relevant appeal decisions were taken into account when coming to this decision.

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 section 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

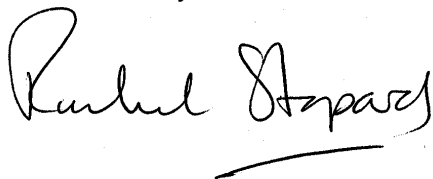
As such, the proposed details are in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4 and 7.6 of the London Plan 2016; and paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework.

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

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard  
Executive Director Supporting Communities

