

Delegated Report		Analysis sheet	Expiry Date:	16/10/2019
		N/A	Consultation Expiry Date:	13/10/2019
Officer			Application Number(s)	
David Peres Da Costa			2019/4295/P	
Application Address			Drawing Numbers	
10 Belsize Park Mews London NW3 5BL			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of single storey conservatory at ground floor with rear terrace, following demolition of existing rear addition; sheer storey roof extension at second floor level; replacement of plastic cladding with white render to front and rear; conversion of garage to habitable room including replacement of door with wall and window; erection of bin store.				
Recommendation(s):		Refuse planning permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	6
Summary of consultation responses:	<p>A site notice was displayed from 18/9/19 to 12/10/19 and the application was advertised in the local paper on 19/9/19 (expiring 13/10/19).</p> <p>Six objections were received from the occupiers of 13 and 19A Belsize Crescent (x2), 7 and 9 Daleham Mews and the owner of 9A Daleham Mews. The following issues were raised.</p> <ul style="list-style-type: none">- Loss of privacy - the planned erection would effectively get these householder to end up looking through my property windows (9 Daleham Mews) limiting my tenants privacy as well as diminishing massively the light coming through the windows for many hours in the day;- Loss of light – The application fails the 25 degree test and the 45 degree test to varying degrees; The application in its current form completely blocks out the light into my rear facing windows (9A Daleham Mews) which is clearly shown on the downloaded sunlight drawings at 8am. It will also reduce light at all other times as the roof extension wall facing goes vertically upwards from my rear wall by some 3 plus metres making it an eyesore block of brick directly in front of all my rear facing windows - two of which I have planning to change to Dormers which will make the outlook and light issue unbearable; living areas and gardens at nos 11,13,15,17,19 Belsize Crescent would suffer from loss of light; my flat and garden would be overlooked and have reduced sun particularly in winter. The residents of 9 and 7 Daleham Mews will have most of their sunlight blocked from their rear roof lights which presumably are in 'Habitable Rooms'. Further along Daleham mews this will enable overlooking of the various private roof terraces; For 9 and 9a Daleham Mews in particular the vertical gable end would take away light and amenity, towering over the rooflights and windows (planning permission received, to be constructed) which are the only source of light into the rear of these properties; the distance between the rear walls of 9 & 10 Belsize Park Mews and the rear walls of Belsize Crescent being only 6 metres and this application raising the roof height to 9 metres speaks for itself it can only lead to loss of light and amenity for the lower ground floor habitable rooms and gardens of Belsize Crescent; loss of sunlight to 9a, 9, & partially 7 Daleham Mews- Loss of outlook - 7, 9 & 9a Daleham Mews will have a circa 3.5 metre solid vertical wall built against the party wall restricting natural light and outlook; The neighbours on Belsize Crescent will all suffer from loss of outlook, natural light and disruption from construction impacts- Harm to air quality - We are very concerned by the proposed 'barbecue flue' for which no detail is shown. This is effectively a fire with the end of the chimney directly outside our childrens' bedroom windows (7 Daleham Mews). There must be health and safety issues which prevent this. We do not object to anyone enjoying a barbecue, but a structure that channels smoke into a neighbour's amenity space is unreasonable.					

	<ul style="list-style-type: none"> - Overshadowing to 9a Daleham Mews and 9 + 7 - Overbearing and sense of enclosure - the facing wall will be intrusive to 19 Belsize Crescent; sense of enclosure to properties on Belsize crescent (No. 13) - Glass must be obscured - Size - Harm to appearance of the Belsize Mews conservation area - Will overhang adjacent properties - Completely out of character with the low rise Belsize Park Mews - Construction impacts - Light assessment is not prepared by persons with the appropriate qualifications as required by the Council. - Concern that the drawings are inaccurate and do not scale at 1:100. <p>Two letters of support was received from the occupiers of 9 and 6 Belsize Park Mews.</p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Belsize Society – Object</p> <p>I represent The Belsize Society. I object to this application as there are no drawings showing the proposals. It should be refused without further information being provided for consideration.</p> <p><i>Officer's comment: The application was registered on 13th September 2019. The drawings were unintentionally marked sensitive, restricting public viewing of the drawings. The drawings were made public on 18th September (4 working days after the application was first registered).</i></p>

Site Description

The site is a 2 storey property at the end of Belsize Park Mews. It adjoins 9A Daleham Mews to the west, 9 Belsize Park Mews to the east and the rear gardens of properties on Belsize Crescent to the north. The site falls within the Belsize Conservation Area but is not identified as making a positive contribution to the conservation area. It is noted that 2 Belsize Park Mews (close to the junction with Belsize Lane) is the only property in the mews identified as making a positive contribution. The remainder of the properties on Belsize Park Mews are not identified as positive contributors.

Relevant History

There is no planning history for the application site.

Relevant planning history for sites nearby

9 Belsize Park Mews

2013/2506/P: Erection of additional floor at second floor level, to include green roof, 2 x roof lights to rear roof slope, 2 x balustrades to front elevation of single dwelling house (Class C3). Refused 25/06/2013 Appeal allowed 25/10/2013

3 Belsize Park Mews

2017/6198/P: Erection of extension at roof level. Granted 13/02/2018

6 Belsize Park Mews

2007/0415/P: Alterations to the existing dwellinghouse including the erection of a glazed conservatory structure at roof level, railings to create a new roof terrace and the installation of a green roof. Granted 05/04/2007

7 Belsize Park Mews

8602112: Redevelopment to provide a single family two bedroom mews house with an integral garage. Granted 06/05/1987

14 Belsize Park Mews

PW9802611: The erection of a roof extension, incorporating a roof terrace at first floor. Refused 01/10/1998

9a Daleham Mews

2018/3539/P: Alterations to mews dwelling, including installation of two rear dormer windows and 3 rear rooflights and replacement of front garage doors with sliding timber panels. Granted 05/03/2019

Condition 4: Prior to occupation of the bedrooms hereby approved, the 2 rear dormer windows shall be obscured glazed. The obscure glazing shall be thus maintained and retained in perpetuity thereafter.

7 Daleham Mews

2017/3743/P: Mansard roof extension to rear of property and raised roof ridge with 3x conservation roof lights to front of property and 3x rear dormers. Granted 28/11/2017

Relevant policies

NPPF 2019

The London Plan March 2016, consolidated with alterations since 2011

Draft London Plan consolidated suggested changes version (July 2019)

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance

Altering and extending your home March 2019

Amenity March 2018

Design March 2019

Belsize Conservation Area Statement (Nov 2002)

Assessment

1. Proposal

1.1. The application seeks the following:

- Demolition of the rear dining room, sauna, bathroom, and rear first-floor terrace
- Single storey, ground floor conservatory extension to replace the above
- Single storey roof extension
- Creation of ground floor terrace
- Removal of plastic boards on front and rear façades and replace with white render
- Conversion of garage into a habitable room by the removal of the current door and building an external wall with a window at ground floor
- Addition of a bin store to the front of the property

2. Assessment

2.1 The main issues are design and the impact on the conservation area and amenity.

2.2 Design and impact on Conservation Area

2.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

2.4 The effect of this section of the 1990 Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Area. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras 193-202). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

2.5 The property falls within Sub Area Two (Belsize Village) of the Belsize Conservation Area. Within this sub area is the distinct character area of the Mews. The Conservation Area Statement (CAS) notes 'the Mews Area' is characterised by single-aspect, two storey mews terraces built generally in London stock brick, with red brick detailing, fronting directly onto the

narrow streets and courtyards.

2.6 Belsize Park Mews is a two storey mews with flat roofs. It is noted that one of the properties (No.7) on the north side has a pitched roof. This property was rebuilt (following the demolition of a meat factory) in the 1980s with living accommodation within the pitched roof at second floor level. The pitched roof allows the property to still read as a 2 storey property. Several properties on the north side have extensions at second floor level but (with one exception) these are all set back from the front elevation and are not visible from street level. The only property with three floors and no set back at the front is 9 Belsize Park Mews. Planning permission was granted on appeal at this property for the erection of an additional floor at second floor level (ref: 2013/2506/P & APP/X5210/D/13/2204613). The planning inspector noted the following in the appeal decision:

'No. 9 Belsize Mews is located towards the top of the mews and due to being set back significantly from No. 8, adjoining, is largely hidden away from much of the street. Given this, I noted during my site visit that the proposed development would be largely invisible from the public environment'.

2.7 The application property (10 Belsize Park Mews) is significantly more visible from the mews than No.9 due to its location. The extension would be visible from street level from those walking down the left hand side of the Mews. Furthermore it would become visible from the centre of the mews approximately half way along the Mews. While the proposed additional storey would help to reunite the subject property and 9 Belsize Park Mews, given the visibility of the proposed extension it would harm the two storey character of the mews.

2.8 An additional storey is proposed. This would be a sheer storey (with no set back), in line with the existing front and rear elevation of the property. The extension would have a flat roof to the front and to part of the rear and a pitched roof to the part of the rear and to the side boundary. The roof geometry would follow that of the neighbouring extension at 9 Belsize Park Mews. The angle of the roof would match this and continue along the north eastern edge of the house.

2.9 The proposed additional storey would not retain the overall integrity of the roof form and would not be architecturally sympathetic to the character of the mews. Therefore the additional storey would not preserve the character and appearance of the conservation area. Less than substantial harm is identified, however there are no public benefits to offset this harm.

2.10 The erection of a single storey conservatory with rear terrace (following the demolition of the rear structure including first-floor terrace) is considered acceptable. The alteration to the rear elevation would be sympathetic to the host property. The replacement of the plastic cladding with white render to front and rear would be in keeping with other properties in the mews. The conversion of the garage to a habitable room including the replacement of the garage door with a wall with windows above is considered acceptable. Many of the garages in the mews have been replaced and the proposed fenestration would not appear out of keeping in this context. Due to the existing garages set back location, changes to this elevation would not be prominent within the mews. The size and location of the proposed front bin store is considered acceptable. No details of the material for the bin store have been provided. The materials of the bin store would be secured by condition if approval was recommended.

2.11 Amenity

2.12 Daylight and Sunlight

2.13 A daylight and sunlight report is required when a proposal has the potential to negatively impact on the existing levels of daylight/sunlight of existing dwellings near the application site including gardens. A daylight sunlight report has not been submitted. BRE guidelines states that the 25 degree procedure can be followed to find out whether an existing building receives enough skylight. The 25 degree procedure involves drawing a section in a plane perpendicular

to each affected main window of the existing building and measuring the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. Concern has been raised about the impact of the development on the daylight and sunlight received by neighbouring properties including Belsize Crescent. The rear elevation of these properties is approximately 9m from the boundary with the application site and the pitched roof of the proposed additional storey. Following the BRE procedure in relation to the properties on Belsize Crescent, it is evident that the angle from the additional storey is more than 25 degrees and that a more detailed check is required to establish whether the loss of skylight to the existing properties on Belsize Crescent is acceptable.

2.14 An overshadowing study is included within the planning statement. However there is no calculation of Annual Probable Sunlight Hours as set out in the BRE guidelines and there is no calculation of the impact of the proposed extension on the neighbouring building's daylight.

2.15 It is noted that the impact of the loss of daylight and sunlight was assessed by the inspector in the appeal allowed at the neighbouring property (9 Belsize Park Mews) for the erection of an additional floor at second floor level (ref: 2013/2506/P & APP/X5210/D/13/2204613). The inspector stated the following.

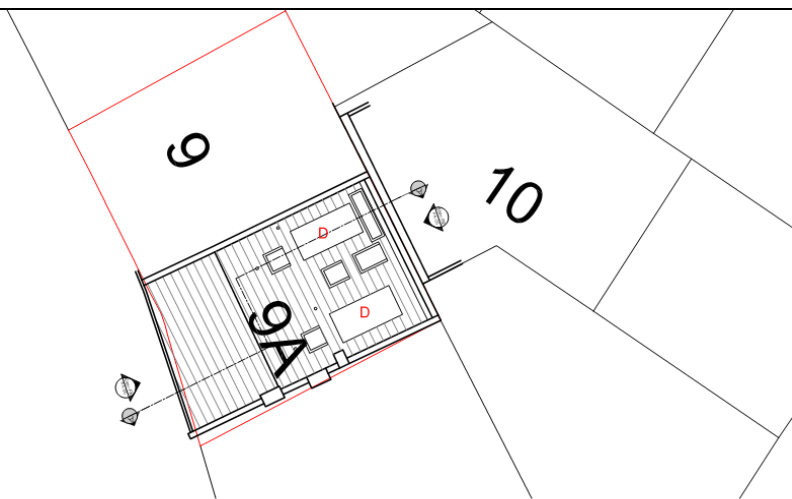
The Council's second reason for refusal states that there is insufficient information to demonstrate that the proposal would not have an adverse impact on daylight and sunlight and I note that related objections have been received in this regard, although no detailed technical information has been provided.

The proposal would replicate the pitch of No 7 Belsize Park and would be set back substantially from the rear building line. Consequently, it would add an area of built development at roof level, similar to that which already exists close by. I find that the proposal, in relation to its pitch, height, volume and set back, has been sensitively designed which, when combined with the appeal property's "tucked in" position along the mews, would lead to the extension having a negligible impact on the daylight and sunlight received by neighbouring properties.

The Council suggests that there may possibly be some afternoon shadowing to part of No 13 Belsize Court as result of the proposal. I find that this is likely to be so minimal as not to lead to any harm and there is no substantive evidence to demonstrate otherwise. I also noted during my site visit that there were various features along the street at roof level, including a tall fence opposite the appeal property. I find that the development proposed, due to the slope of the roof, would have little more general impact on daylight and sunlight than many of these existing features.

2.16 While the inspector's comments are noted, significant weight is given to the BRE guidelines which state the when the angle from the development is more than 25 degrees, a more detailed check is required to find the loss of daylight to the existing building. For the current application, it is not possible to conclude the extension would have an acceptable impact on the daylight and sunlight received by properties on Belsize Crescent without a daylight and sunlight report measuring the change in the Vertical Sky Component at the centre of each main window and where layouts are available assessing the impact of the development on the No Sky Line. The impact on Annual Probable Sunlight Hours and the amount of sunlight reaching the garden would also be required.

2.17 The neighbouring property immediately to the west, 9a Daleham Mews, has permission (ref: 2018/3539/P dated 05/03/2019) for dormer windows which would be within 1m of the boundary with the subject property (the dormers have not been built as yet). The approved dormers are shown on the plan below (marked D); the plan shows the close relationship between 9A Daleham Mews and 10 Belsize Park Mews.



2.18 The amount of daylight reaching the approved northern dormer window (which would serve a study) would be significantly reduced. The approved dormer window to the south (which would serve a bedroom) would only be partially blocked by the proposed extension and so it is unclear whether this window would receive enough daylight. Therefore, in the absence of a daylight and sunlight assessment, the applicant has not demonstrated that daylight and sunlight levels would not be harmed.

2.19 It is considered the rooflights to the properties to the south (9 and 9A Daleham Mews) would continue to receive sufficient daylight as they are angled towards the sky. There would be some limited loss of sunlight to these rooflights, however this loss would not support a reason for refusal.

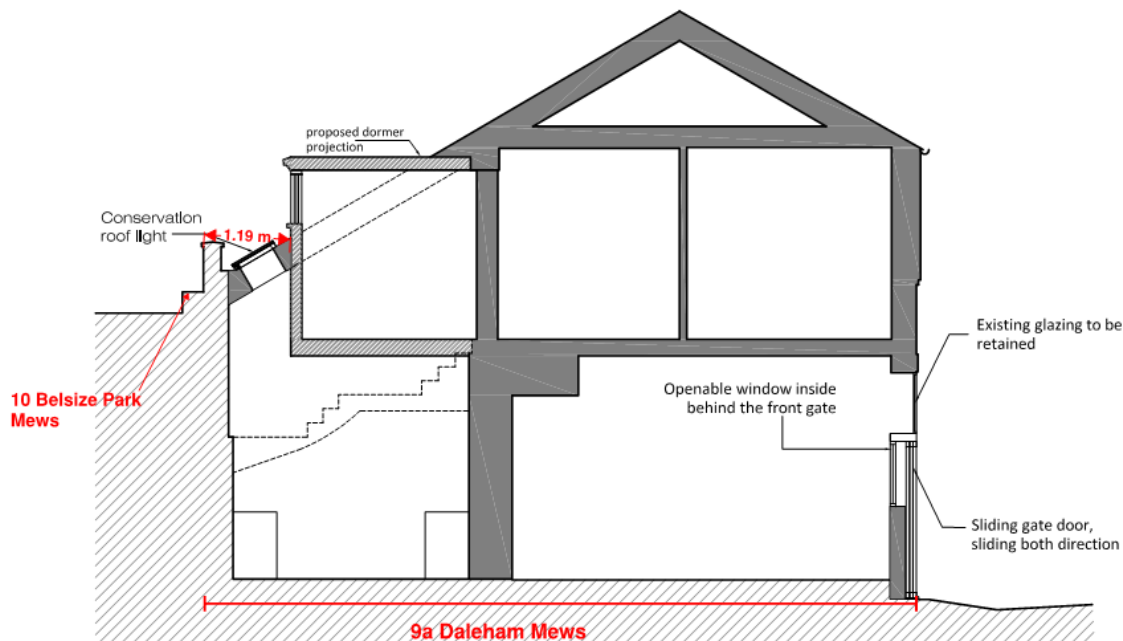
2.20 Overlooking

2.21 Concerns have been raised about the loss of privacy to the occupiers of 9 Daleham Mews. The proposal includes windows to the front and rear elevation at second floor level. 9 Daleham Mews has rooflight on the rear roof slope. Given the location of the proposed windows and the relationship to the existing rooflights, there would not be any harmful overlooking of the occupiers of this property. Concern has also been raised about overlooking of the gardens of Belsize Crescent. There are already windows at first floor level of the application site and so there is an existing degree of overlooking to the gardens of Belsize Crescent. Therefore, the addition of a bathroom window at second floor would not result in harmful overlooking of the gardens of Belsize Crescent.

2.22 One of the proposed second floor windows would face towards the first floor terrace and rear elevation of 11 Daleham Mews. The existing trellis and planting would prevent any harmful overlooking of this property.

2.23 Outlook

2.24 The proposed extension would be 3.1m above the height of the existing parapet and would be within 1m of the approved dormers at 9a Daleham Mews. The approved dormer windows are secured by condition to be obscure glazed. Nevertheless there is a concern how the extension would be perceived by the occupiers through the obscure glazing. It is also noted that there is no condition requiring the windows to be fixed shut. If these dormer windows were open, the proposed extension would have an overbearing impact on the occupiers of 9a Daleham Mews. While the approved dormers have not been implemented, the extant planning permission at 9a Daleham Mews (2018/3539/P dated 05/03/2019) is nevertheless given significant weight. The overbearing impact of the proposed extension would therefore be a reason for refusal. The existing relationship between the approved dormers at 9a Daleham Mews and 10 Belsize Park Mews is shown below.



2.25 The proposed additional storey would have a pitched roof facing towards the neighbouring properties on Belsize Crescent. The angle of the pitched roof would match that at the neighbouring property 9 Belsize Park Mews. It is also noted that 7 Belsize Park Mews has a pitched roof facing towards Belsize Crescent. In this context, the additional storey with pitched roof would not appear overbearing when viewed from the properties to the north on Belsize Crescent. It is considered there would not be a loss of outlook from the existing rooflights at 9 and 9 Daleham Mews as these are angled towards the sky.

2.26 Impact of barbeque flue

2.27 Concern has been raised about the flue for a proposed barbeque at the rear of the property. Barbeques are not uncommon for properties which have outdoor amenity space. It is noted that a barbeque would only be operated for a limited amount of time when the weather permitted. Therefore, the operation of the barbeque with a flue would only have a limited impact on neighbouring occupiers who would be able to close their windows for the short space of time a barbeque was in operation. It is also noted that it is not possible to control the use of barbeques at other neighbouring properties. In these circumstances the proposed barbeque and flue could not support a reason for refusal.

2.28 Construction impacts

2.29 Concern has been raised in relation to the impact from construction. The scale of the development is not such that a construction management plan is required in this instance. It is noted that Environmental Health legislation controls noise and the hours of construction.

3. Conclusion

3.1. Refuse planning permission