

Address:	228 Belsize Road London NW6 4BT		4
Application Number:	2015/5832/P	Officer: Ian Gracie	
Ward:	Kilburn		
Date Received:	15/10/2015		
Proposal: Demolition of existing single storey extension and erection of 3 storey plus basement building to provide enlargement of the existing Class A3 restaurant at ground and basement level and the provision of 2no. 1-bed and 2no. 2-bed units on the first and second floors to replace the existing 3no. studios and 1no. 1-bed units. Alteration to shopfront.			
Background Papers, Supporting Documents and Drawing Numbers			
Prefix (2014/228BP/) LP; E1; E2; E3; E4; E5; P1; P2 Rev B; P3 Rev D; P4 Rev D; P5 Rev A; P6; P7 Rev B; P8 Rev D; P9 Rev C; Planning, Design and Heritage Statement prepared by Alsop Verrill dated October 2015; Flood Risk Assessment prepared by Resilience and Flood Risk dated 7th October 2015; Pre-Construct Archaeology Statement dated June 2015; Basement Impact Assessment prepared by Gyoury Self dated September 2015.			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
Mr Peter Illic Little Bay 228 Belsize Road London NW6 4BT		Alsop Verrill 2 Milliners House Eastfields Avenue London SW15 3SL	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	A3 Restaurants and Cafes C3 Dwelling House		275.9m ² (A3) 95m ² (C3)
Proposed	A3 Restaurants and Cafes C3 Dwelling House		296.7 ² (A3) 223m ² (C3)

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette	4								
Proposed	Flat/Maisonette	2	2							

OFFICERS' REPORT

Reason for Referral to Committee: Consideration of the following categories of application recommended for approval: (vi) which involve the making of an obligation or agreement under Section 106 of the Town and Country Planning Act 1990 or other legislation ("the obligation") (Basement Construction Plan) and Substantial demolition of a building in a Conservation Area Clause 3(v) and the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 which does not allow for an exemption from the scheme of delegation (part vi).

1. SITE

- 1.1 The application site forms the end of a terrace of buildings and is located on the northern side of Belsize Road, on the corner of Belsize Road and Priory Road within the Priory Road Conservation Area. The site comprises a three storey (plus basement) building with a single storey side extension with a timber pitched roof that fronts the corner of Belsize Road and Priory Road.
- 1.2 The application is not listed although it recognised as a positive contributor, as part of a terrace, within the Priory Road Conservation Area Statement (228-250 (even)). It is noted, however, that the single storey side extension is not included in being recognised as a positive contributor as part of no.228. The shopfront is also recognised as a shopfront of merit (228-248 Belsize Road). It is recognised that a number of original features of the building however been lost or removed over time.
- 1.3 The site is also located within an Archaeology Priority Area.

2. THE PROPOSAL

Original

- 2.1 Permission is sought for the demolition of the existing single storey side extension and erection of 3 storey plus basement extension (to a depth of 2.7m covering an additional 73sqm) to provide an enlargement of the existing Class A3 restaurant at basement level and the provision of 2 x 1-bed and 2 x 2-bed units on the first and second floors to replace the existing 3 x studios and 1 x 1-bed units.
- 2.2 The uplift in A3 floorspace is approximately 21sqm. Despite an increase of approximately 40sqm at basement level, there is a reduction at ground floor of approximately 20sqm resulting in an increase of 21sqm net.
- 2.3 The existing residential units on the upper floors (3 x studios and 1 x 1-bed) are to be re-provided in a different mix (2 x 1-bed and 2 x 2-bed). The 1-bed units will measure 52sqm (first floor) and 53sqm (second floor) whilst the 2-bed units will measure 59sqm each. Each of the proposed units will be dual aspect.
- 2.4 The proposal will maintain the pitch of the roof of the existing building, whilst the extended part of the proposal will feature a flat roof. The proposal seeks to unify the fenestration design of the front elevation whilst also introducing a new shopfront and re-introducing the white stucco finish to the front elevation which is apparent on the

rest of the terrace. The fenestration pattern to the rear will also be altered including the introduction a number of obscure glazed windows to remove the opportunity for overlooking into no.1A Priory Road.

- 2.5 As a result of the new extension, the building line fronting Priory Road will be moved back 1.2m from its current position to allow more room for pedestrian movement.

Revisions

- 2.6 The proposal has been revised during the determination period to improve the overall design of the proposed development. To ensure the new extension replicates and continues the pattern of the terrace, the parapet wall of the extension has been raised so the extension reads as a separate building. The original proportions of the shopfront of no.228 is retained and a separate shopfront is proposed within the Belsize Road elevation of the extension so that it again reads as a separate building. The fenestration pattern on the upper floors has also been amended to reflect the appearance of the extension reading as a separate dwelling. . As noted above, a number of windows were amended to be obscured to remove the opportunity for overlooking into the main living space of no.1A Priory Road. A turret feature on the roof was removed as this was considered to detract from the character and appearance of the conservation area. A number of other amendments were also negotiated on the side elevation of the scheme which include:

- Introduction of more windows on the part of the elevation closest to Belsize Road to introduce a visual balance;
- Repositioned some of the decorative features towards the front of the building; and
- Amendment to the design of the cycle store to improve its visual appearance.

3. RELEVANT HISTORY

3.1 Application site

J5/4/B/1063 – The erection of a precast concrete double garage at the rear of 228, Belsize Road, N.W.6. – **Granted 23/10/1963.**

J5/4/B/15185 – Redevelopment of 228/250 Belsize Road, NW6, as shops, flats and a public house – **Refused 16/05/1973.**

J5/4/B/18375 – The redevelopment by the erection of a part 3 and part 4-storey building comprising 15 flats, 9 shop units, 1 restaurant and 1 surgery/pharmacy, plus basement parking provision. – **Granted 31/10/1974.**

8400553 – Change of use of the ground floor to an Estate Agency. – **Granted 29/05/1984.**

8401324 – Change of use of the basement to a restaurant in association with the use of the ground floor as a delicatessen as shown on two un-numbered drawings – **Granted 19/09/1984.**

8500966 – Change of use from retail to restaurant on the ground floor as shown on drawing No.001/A. –**Granted 10/07/1985.**

8501574 – Erection of a 1.8m higher rendered brick wall to enclose the corner garden to restaurant as shown on drawing No.003. – **Granted 11/12/1985.**

9400885 – The erection of a glazed roof over part of the garden of the existing restaurant as shown on drawing numbers 024P/0, 024P/01, 024P/02 024P/03, 024P/04, 024P/05, 024P/06 and 024P/07. – **Granted 02/09/1994.**

PW9902608 – The change of use of the first and second floors from a house in multiple occupation to 5 self contained studio flats and 1 X self contained 2 bed and 1 X 1 self contained bed flat, the erection of 3 storey front and side extension and two storey rear extension, the expansion of the existing A3 restaurant on the ground and basement levels, alterations to the shopfront and alterations to the elevations, as shown on drawing numbers; 01, 02 Rev A, 03, 04 Rev A, 05, 06, 06A, 07, 08, 09, 11, 12, 13, 13A, 15 and 16. – **Refused 08/02/2000.**

Reasons for refusal:

1. *The proposed development involves the loss of existing residential accommodation of a type which the Council considers should be retained in this area;*
2. *The proposed front and side extension would , by virtue of its scale, bulk, and footprint, detract from the character and appearance of the building and the conservation area;*
3. *The proposed rear extension at first and second floor would by virtue of its situation, size and scale appear as a dominant and incongruous feature which detracts from the character and appearance of the building, the terrace and the conservation area;*
4. *The proposed development would provide substandard residential accommodation by reason of inadequate flat size and layout;*
5. *The proposed front and side extension is likely to cause harm to the health of nearby trees and lead to their premature loss, which would harm the visual amenity and ecological value of the area;*
6. *In the absence of details of a replacement ventilation system the existing and expanded restaurant use is likely to give rise to harm to the amenity of existing occupier by virtue of noise and smells;*
7. *The proposal would fail to comply with the council's policies for the provision of car parking space and would be likely to lead to increased parking stress and traffic congestion;*
8. *The proposed development does not include accommodation suitable for family occupation, contrary to the Council's policies as set out in the Written Statement of the London Borough of Camden Local Plan 1987 (the Borough Plan) and the draft*

Unitary Development Plan, to encourage the inclusion of such accommodation within schemes for new development or conversion;

9. *The shopfront by virtue of its scale and detailed design would detract from the character and appearance of the building and the conservation area.*

4. CONSULTATIONS

Statutory Consultees

4.1 Greater London Archaeology Advisory Service (Historic England) – No objection subject to conditions.

Local Groups

4.2 No objections

Adjoining Occupiers

4.3 Site notice: 04/11/2015 – 25/11/2015 and Press notice: 12/11/2015 – 03/12/2015

<i>Number of letters sent</i>	13
<i>Total number of responses received</i>	5
<i>Number in support</i>	2
<i>Number of objections</i>	1

4.4 1 objection has been received from the owner/occupier of no.20 Priory Road. The planning considerations have been summarised as follows:

- It is already amazingly busy with people standing outside, blocking the pathways and creating lots of noise at all times of day and well into the night. The proposed development work will cause a great deal of disruption and change the character of our area, and not for the better.

5. POLICIES

National Planning Policy Framework 2012

Paragraphs 14, 17, 56-66, 126-141.

London Plan 2015

Policies 3.4, 3.5, 3.8, 6.9, 7.4, 7.6, 7.8,

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development;

CS6 – Providing quality homes;

CS14 – Promoting high quality places and conserving our heritage;

DP2 – Making full use of Camden's capacity for housing;

DP5 – Homes of different sizes;

DP16 – The transport implications of development;
DP17 – Walking, cycling and public transport;
DP18 – Parking standards and limiting the availability of car parking;
DP21 – Development connecting to the highway network;
DP22 – Promoting sustainable design and construction;
DP24 – Securing high quality design;
DP25 – Conserving Camden’s heritage;
DP26 – Managing the impact of development on occupiers and neighbours;
DP27 – Basements and lightwells;
DP30 – Shopfronts.

Camden Planning Guidance

CPG1 – Design (July 2015) – Section 3, 4, and 7;
CPG2 – Housing (July 2015) – Section 4;
CPG4 – Basements and lightwells (July 2015) – Section 2, 3 and 4;
CPG6 – Amenity (2011) – Section 7;
CPG7 – Transport (2011) – Section 5 and 9;
CPG8 – Planning obligations (July 2015) – Section 3 and 10.

Priory Road Conservation Area Statement (December 2000)

6. STATUTORY PROVISIONS

- 6.1 The statutory provisions principally relevant to the determination of these applications are:
- 6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”).
- 6.3 Section 72(1) 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.
- 6.4 The effect of these sections of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and the preservation of Listed Buildings and their settings. 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.

7. ASSESSMENT

- 7.1 The principal considerations material to the determination of this application are summarised as follows:
 - Principle of demolition;
 - Land use;
 - Design;

- Residential standards;
- Basement;
- Amenity;
- Transport; and
- Sustainability.

Principle of demolition

7.2 Permission is sought for the demolition of the single storey side extension built in approximately 1985. The existing building is recognised as making a positive contribution to the wider conservation area. The statement outlines that:

“The Conservation Area is a good example of mid-19th century suburban development, which largely retains its homogenous architectural character. For this reason, most of these 19th century buildings make a positive contribution to the character and appearance of the Conservation Area.”

7.3 Paragraph 134 of the NPPF states that 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. The effect of an application on the significance of a non-designated heritage asset should therefore be taken into account.

7.4 As noted above, whilst no.228 Belsize Road is recognised as a positive contributor to the Priory Road Conservation Area, the single storey extension to the east of the site is not recognised despite forming part of the address of the application site. It is considered that all of the positive contributors were designated at the time of the original creation of the Priory Road Conservation Area on 1st March 1984. As outlined above, the single storey extension was granted in December 1985 and is considered to detract from the character and appearance of the conservation area. As such, its demolition, subject to the replacement of a structure that does not harm the character and appearance of the host building and enhances the setting of the conservation area, is considered acceptable.

Land use

Residential (Class C3)

7.5 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings.

7.6 The proposal would re-provide the existing four units on site in a different mix. Currently, the site provides 3 x studio units and 1 x 1-bed unit on the upper floors and each of the units are considerably below current floorspace requirements for such units (the largest unit being 27sqm). The proposal seeks to provide 2 x 2-bed units and 2 x 1-bed units which, subject to meeting the required residential space standards, are considered acceptable. The Dwelling Size Priorities Table within policy DP5 notes that 2-bed market housing is a ‘Very High’ priority. The proposal’s

provision of 2 x 2-bed units is therefore welcomed. Whilst the provision 1-bed units is a 'Lower' priority, the mix is an improvement on the existing situation and is therefore considered appropriate.

- 7.7 As such the proposed mix of the proposal is considered compliant with policies CS6, DP2 and DP5 as long as it meets the Council's residential development standards and does not harm the amenity of existing and future occupiers.

Restaurant (Class A3)

- 7.8 The lawful use of the ground and basement levels is currently A3. This proposal seeks to increase the level of A3 floorspace by approximately 30sqm. As the site currently benefits from operating under A3 use, and is part of a small parade of shops along this section of Belsize Road, it is considered that the principle of A3 use in this location is considered acceptable.
- 7.9 The existing restaurant has the capacity to accommodate 120 covers. As a result of the additional 31sqm of A3 floorspace, the restaurant will increase its capacity to 150 covers. As a result, it is not considered that the rise in the number of covers (30) will significantly impact on the amenities of neighbouring occupiers both in terms of the operation of the restaurant and customers entering and leaving the premises. The existing kitchen and the same extract equipment will still be in use as a result of the proposal.

Design & Heritage

- 7.10 Core Strategy policy CS14 requires development to be of the highest standard of design that respects local context and character. Development is also required to preserve and enhance Camden's rich and diverse heritage assets and their settings, which includes conservation areas.
- 7.11 Policy DP24 supports this policy by noting that all development, including alterations and extensions, must be of the highest standard of design which considers the character, setting, context and the form and scale of neighbouring buildings, and the character and proportions of the existing building where alterations and extensions are proposed.
- 7.12 With regards to maintaining the character of Camden's conservation areas, policy DP25 states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area.

Replacement extension

- 7.13 As noted above, an application has previously been refused on site on 8th February 2000 (LPA Ref. PW9902608). The application included a proposal to extend the application site in a similar manner to that of the current application. One of the reasons for refusal stated:

"2. The proposed front and side extension would, by virtue of its scale, bulk, and footprint, detract from the character and appearance of the building and the conservation area."

- 7.14 The applicant has submitted an additional statement to set out how the previously refused scheme differs to that of the current proposal. On review of the plans from the scheme in 2000, it would appear that there are a number of differences in terms of both the proposal itself and the appearance of the surrounding site.
- 7.15 On review of the plans, it would appear that a rather prominent tree was located adjacent to site at the time of the 2000 application which, one would assume, shaped the design of the development. Whilst the proposal included plans for a similarly designed extension when viewed from the front, on review of the floor plans it would appear that the side extension did not relate to the composition of the rest of the building in that it awkwardly jutted out from the rest of the building towards the corner of Belsize Road and Priory Road. This meant that the proposal is read as a rather bulky addition that sits unhappily with the scale and proportions of the rest of the host building.
- 7.16 Moving to the present day, the tree that was positioned on the corner of Priory Road and Belsize Road no longer remains. The current scheme forms a more complete composition in design terms to that of the previously refused scheme. The side extension is consistent at the front, side and rear in terms of both scale and detailed design. Whilst CPG1 (Design) requires side extensions to be set back from the main building, it is considered that there is strong design justification for the site to be extended in the manner that is proposed.
- 7.17 On review of historic mapping it is apparent that the terrace of buildings situated on the west side of Belsize Road has historically terminated at no.228 Belsize Road. This contrasts with the opposite side of the road where the terrace has historically extended and wrapped around the corner of Belsize Road and Kilburn Priory. The side extension built in 1985 replicates this depth although not in scale and massing and, as noted above, is not considered to contribute to the character and appearance of the conservation area. The existing flank wall of no.228, despite being as originally built, is not considered to add any particular value to the conservation area so its removal, subject to a suitably designed replacement, is considered acceptable in design terms. The proposed extension, despite being read as a new building in itself, is considered to be acceptable in principle as it provides a visual balance and symmetry to the street scene which is welcomed. The slight rise in the parapet and fenestration together with the sub-division of the shopfront are considered positive design features which allow the extension to be read as an entirely different building from the street scene which is welcomed.
- 7.18 Directly opposite the site, on the corner of Belsize Road and Kilburn Priory is a three storey building that wraps around the corner of the street in a curved manner. This proposal seeks to extend the existing building line and wrap around the corner of Belsize Road and Priory Road in a more angular fashion. It is not considered, however, that the turn of the building must reflect that of the building on the opposite side of the street and the angular turn of the building is not considered a negative feature of the proposed design for the application site. As a result of the proposal it is considered that, whilst not appearing visually identical, the proposal will instate a visual symmetry and balance to Belsize Road that will preserve and enhance the character and appearance of this part of Belsize Road.

7.19 As such it is considered that the proposal complies with policies CS14, DP24 and DP25 of Camden's Local Development Framework Core Strategy and Development Policies documents.

Detailed design

7.20 As noted above, the existing single storey side extension is considered to detract from the character and appearance of the Priory Road Conservation Area. This is particularly prevalent given that it is attached to a terrace of buildings which are considered to make a positive contribution to the conservation area (no.228-250 (even)) which are characterised by their continuity of form, scale and detailing. Having said that, some of the original detailing of the host building at no.228 has been lost over time. The conservation area statement notes the distinctive features of this section of Belsize Road in particular. It notes that:

“From Kilburn Priory the road slopes down the hill westward. Stuccoed terraces line the hill with shops at ground floor level. The incline has created properties with forecourts that step down the hill making this a distinctive shopping parade. This impact is greater because of the design and detail of the buildings. Original details are still intact on the white painted front elevations; pediments over first floor windows (different on either side of the road), ironwork railings at first floor windows remain on a significant number of properties (Nos. 203-217, 238-248). Some properties still exhibit their original massive York stone forecourt slab but their iron railings have gone.”

7.21 The terrace is characterised by a number of details which are not apparent on the application site. The terrace includes details such as decorative console brackets with dentilled architraves and dentilled cornices. The original timber sash windows have also been removed on the site which disrupts the consistent use of fenestration along the terrace. This application proposes to reinstate all of these original features, together with some features, as touched on above, that allow the proposed extension to be read as a different element to the host building which are welcomed by officers. A condition is recommended to require details of these features to be submitted before any above grounds work commence on site. As such, it is considered that the detailed design of the proposal is considered appropriate.

7.22 It is noted that a canopy is proposed on the ground floor of the eastern elevation of the proposal above the new entrance to the residential units on the upper floors. The principle of a canopy in this location is considered acceptable subject to detail that is required to be submitted as part of a condition attached to the planning permission.

Shopfront and ground floor alterations

7.23 As noted above, the ground floor front elevation is recognised as a shopfront of merit (No.228-248). However, much like the upper floors to the site, a number of original features have been lost over time and the ground floor side extension to the east is considered to detract from the appearance of the shopfront. The proposal allows the ground floor to be read as two different entities which is welcomed and consistent with the rest of the terrace. It is considered that introduction of a more modern shopfront, despite being recognised as a shopfront of merit, for the reasons given above is considered acceptable. As such, it is considered that the proposal brings a

sense of uniformity to the design of the shopfront that reinstates a sense of quality through the use of timber framed glazing and decorative console brackets and pilasters. As a result it is considered that the design complies with policy DP24 and DP25 of Camden's Local Development Framework.

Residential standards/Lifetime Homes

7.24 Paragraph 26.11 of policy DP26 states that the size of a dwelling and its rooms, as well as its layout, will have an impact on the amenity of its occupiers. As such, new residential units must comply with the national technical housing standards.

7.25 In the technical requirements, criteria (i) states that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The table below compares the proposed floorspace for each respective unit against the current national space standards.

Proposed Unit	Proposed floorspace (sqm)	Required floorspace (sqm)
1b2p	52	50
1b2p	53	50
2b3p	59	61
2b3p	59	61

7.26 As identified in the table above, two of the four units meet the required minimum floorspace requirements for 1b2p units. Whilst it is noted that the two 2b3p units fall short of the minimum floorspace requirements by 2sqm each, the units are considered acceptable by virtue of the overall layout of the dual aspect unit, site constraints and the fact that the proposed units represent a significant improvement on the existing situation.

7.27 CPG2 (Housing) requires that first and double bedrooms must be a minimum of 11sqm whilst single bedrooms must be a minimum of 6.5sqm. All of the proposed bedrooms surpass their respective requirement and are therefore considered acceptable.

7.28 As such, the proposed units are considered to comply with the requirements of policies CS5 and DP26.

Basement

7.29 The application proposes to construct an extension at basement level under the footprint of the proposed extension to a depth of 2.7m with an additional 73sqm of floorspace proposed.

7.30 Policy DP27 and planning guidance CPG4 state that developers will be required to demonstrate, with methodologies appropriate to the site, that schemes do not interfere unreasonably with underground water flows; maintain the structural stability of the land, existing building and neighbouring properties; and do not contribute to localised surface water flow or flooding.

7.31 A Basement Impact Assessment was submitted by the applicant and has been audited by a third party company. In the conclusions, the audit notes that the BIA

adequately identified the impacts of the basement proposals and outlines suitable mitigation measures for this stage of the project. However, it is recommended that a Basement Construction Plan (BCP) is submitted and approved prior to commencement on site and should include:

- The results of the ground investigation;
- Confirmation of the ground conditions and groundwater regime;
- Detailed design of the temporary and permanent works;
- Detailed movement monitoring regime, including setting trigger values; and
- Confirmation that the BIA is still valid.

7.32 As a result of the above, a BCP is required as part of the Section 106 legal agreement which must be submitted and reviewed prior to the commencement of development on site.

7.33 As noted above, the site is also located within an Archaeology Priority Area. As such, a condition is recommended that requires a Stage 1 Written Scheme of Investigation (WSI) is submitted to the Council prior to demolition to investigate and record any archaeological remains that are found on site during construction.

Amenity

7.34 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity of occupiers and neighbours which includes visual privacy and overlooking, overshadowing and outlook, sunlight, daylight and artificial light levels, and noise and vibration levels.

7.35 The proposed extension to the east side of the building will extend the building at upper floor level by 5.5m. Officers received a comment from the owner/occupier of 1A Priory Road which is located immediately north of the application site and is the most affected unit. On inspection from a site visit, it is considered that when viewed from the living room (which features an entirely glazed eastern façade) of 1A Priory Road the occupant's amenities will not be significantly harmed in terms of enclosure and overshadowing. While there will be a change to the outlook, there will be still be acceptable levels of outlook when looking out from the property. It is not considered the proposal would have a detrimental impact in the levels of daylight received in comparison to the existing situation. As a result, it is considered that the amenities of neighbouring occupiers will not be significantly impacted as a result of the proposed development.

7.36 In terms of the four newly created upper floor windows to the north of the site, all of them will be obscure glazed and fixed shut in order to remove the opportunity for overlooking into the main living area of 1A Priory Road. A condition is recommended to require these windows to be fixed shut and obscured glazed before any of the units are occupied. As a result of this, it is not considered that overlooking from the rear of the unit is a concern. It is considered that the two bedrooms concerned at first and second floor level will still achieve an acceptable level of outlook as both rooms also feature an east facing window.

- 7.37 To ensure the flat roof is not used as a roof terrace which would harm the amenity of neighbouring occupiers a condition is recommended to restrict the access onto the roof.
- 7.38 In light of the above, it is considered that the proposal accords with policies CS5 and DP26 of Camden's Local Development Framework provided the conditions are adhered to as set out above.

Transport

- 7.39 The application site is located in an area with a Public Transport Accessibility Level (PTAL) of 6. Given the high transport accessibility level of the site a car-free development would be required. The applicant has therefore agreed to enter into a legal agreement for a car-free development for all the units.
- 7.40 A minimum of 6 bicycle parking spaces would be required in accordance with the London Plan. The applicant has included the provision for 6 secure cycle parking spaces on the ground floor. As such, it is considered that the provision of cycle parking is considered acceptable. A condition is recommended to require the provision of the cycle spaces before the occupation of the residential units.
- 7.41 CPG6 (Amenity) and CPG7 (Transport) require that a construction management plan (CMP) be submitted for development that is likely to give rise to significant noise and other disturbance during construction. Given the level of excavation and development required in order to construct the proposal and the potential effect of construction in terms of, inter alia, noise, dust and vibration on nearby residential units, it is considered necessary to require the applicant to enter into a S106 legal agreement to secure the provision of a Construction Management Plan (CMP). A CMP outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips etc.), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users.
- 7.42 The summary page of Development Policy DP21 states that 'the Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. The footway directly adjacent to the site could be damaged as a direct result of the proposed works. The applicant has therefore agreed to provide a financial contribution for highway works as a S106 planning obligation.
- 7.43 The proposal would involve basement excavations across the entire footprint of the site including directly adjacent to the public highway on Belsize Road and Priory Road. It is important to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. A basement impact assessment (BIA) has been submitted in support of the planning application. However, this does not appear to discuss how the stability of the public highway would be protected.
- 7.44 The applicant has therefore agreed to submit an 'Approval in Principle' (AIP) report to our Highways Structures & Bridges Team within Engineering Services as part of a

Section 106 legal agreement. This would include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. This would also include an explanation of any mitigation measures which might be required. The AIP and an associated assessment fee of £3,000 shall be secured as a planning obligation.

- 7.45 A fully complete CMP, car-free development, financial contributions for highway works and an AIP would all be secured via Section 106 legal agreement. The proposal thereby complies with the requirements of the Council's transport policy, specifically DP16, DP17, DP18 and DP19.

Sustainability

- 7.46 DP22 (Promoting sustainable design and construction) requires that all new housing is encouraged to meet Code Level 6 (Zero Carbon) by 2016 (or at least code level 4 since 2013). However, this has recently been superseded by the London Plan 2016 which removes requirement the Code for Sustainable Homes but still requires development to demonstrate that sustainable design standards are integral to the proposal. To this end, a condition is recommended requiring that, prior to the commencement of development, a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development is submitted to and approved by the Council. A condition is also recommended to require that prior to occupation, evidence demonstrating that the approved measures have been implemented must be submitted to and approved by the Council and shall be retained and maintained thereafter.
- 7.47 Policy DP23 expects all development to be designed to be water efficient and to minimise the need for further water infrastructure. To this end a condition is recommended requiring a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110lpd) to accord with the building regulations.
- 7.48 An energy statement is only required for 5 dwellings or more and therefore would not be required in this instance.

Conclusion

- 7.49 The proposal seeks to demolish the existing single storey side extension to the east of the site, which detracts from the character and appearance of the conservation area, and replace it with a three storey plus basement extension to continue to the design of the terrace which is considered a positive contributor. It is considered that the proposal reinstates positive design features which have been lost over recent history and is considered acceptable.
- 7.50 The standard of the proposed accommodation is considered acceptable as it meets, for the most part, the minimum floorspace requirements. The proposed accommodation is also considered a significant improvement on the existing situation which comprises four units that are well below the minimum floor space requirements for such units. The applicant has also taken positive steps to reduce

the amenity impact on neighbouring occupiers and the scheme is considered acceptable in this sense.

7.51 Planning permission is recommended subject to a S106 Legal Agreement covering the following Heads of terms:

- Car free development
- Highways contribution (tbc)
- Construction Management Plan
- Basement Construction Plan

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

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 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Samples panels of all facing materials to include brickwork and window frames together with manufacturer's specifications.

b) Details including typical sections at 1:10 of all windows (including jambs, head, sill and reveal), external doors and canopy;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 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.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans Prefix (2014/228BP/) LP; E1; E2; E3; E4; E5; P1; P2 Rev B; P3 Rev D; P4 Rev D; P5 Rev A; P6; P7 Rev B; P8 Rev D; P9 Rev C.

Reason:

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

- 5 The proposed new dwellings as indicated on plan number/s hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to construction the development hereby approved shall submit a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development to be approved by the Local Planning Authority. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction).

- 7 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110l,p,d). Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water).

- 8 The flat roof at first and third floor level hereby approved shall not be used as a terrace/sitting out/outdoor amenity area and shall not be accessed for any purposes other than maintenance.

Reason: To safeguard the amenities of the adjoining residents and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbour) of the London Borough of Camden Local Development Framework Development Policies.

- 9 The windows at first and second floor level to the rear, as illustrated by drawing no. 2014/228BP/P9 Rev C, shall be obscure glazed and fixed shut.

Reason: To protect the amenities of future and neighbouring occupiers in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbour) of the London Borough of Camden Local Development Framework Development Policies.

- 10 As per drawing no. 2014/228BP/P2 Rev B, 6 secure and covered cycle storage facilities for the proposed residential units shall be provided in their entirety prior to the first occupation of the development, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies and table 6.3 of the London Plan.

- 11 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the

condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Important archaeological remains may exist on this site. Accordingly the Council wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

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. [Delegated]

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies (officer to insert relevant policy number and title) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies.... (officer to insert relevant policy number and title). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer report.

4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

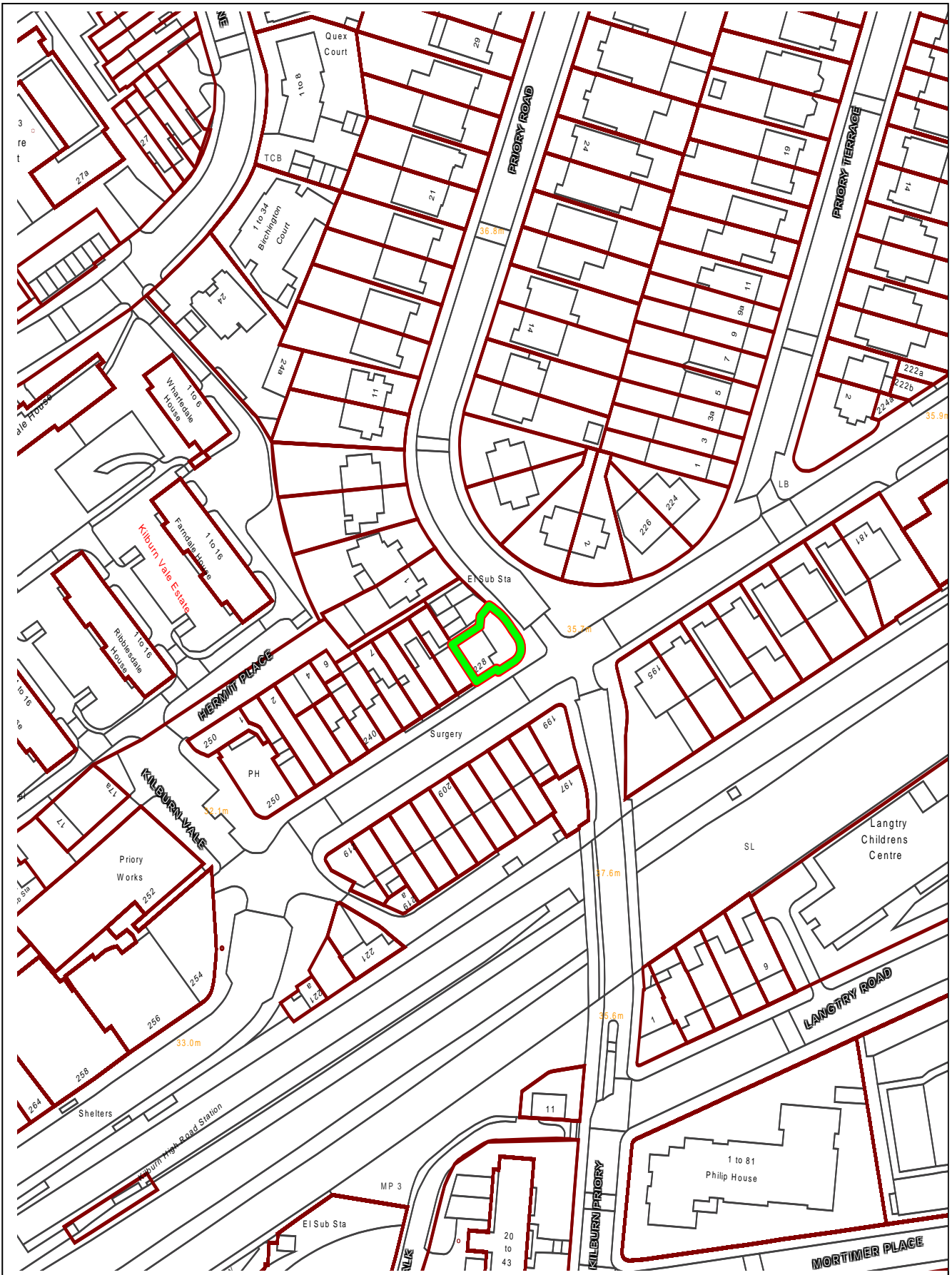
The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable

purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk



Application No: 2015/5832/P

**228 Belsize Road
London
NW6 4BT**

**Scale:
1:1250
Date:
9-Jun-16**

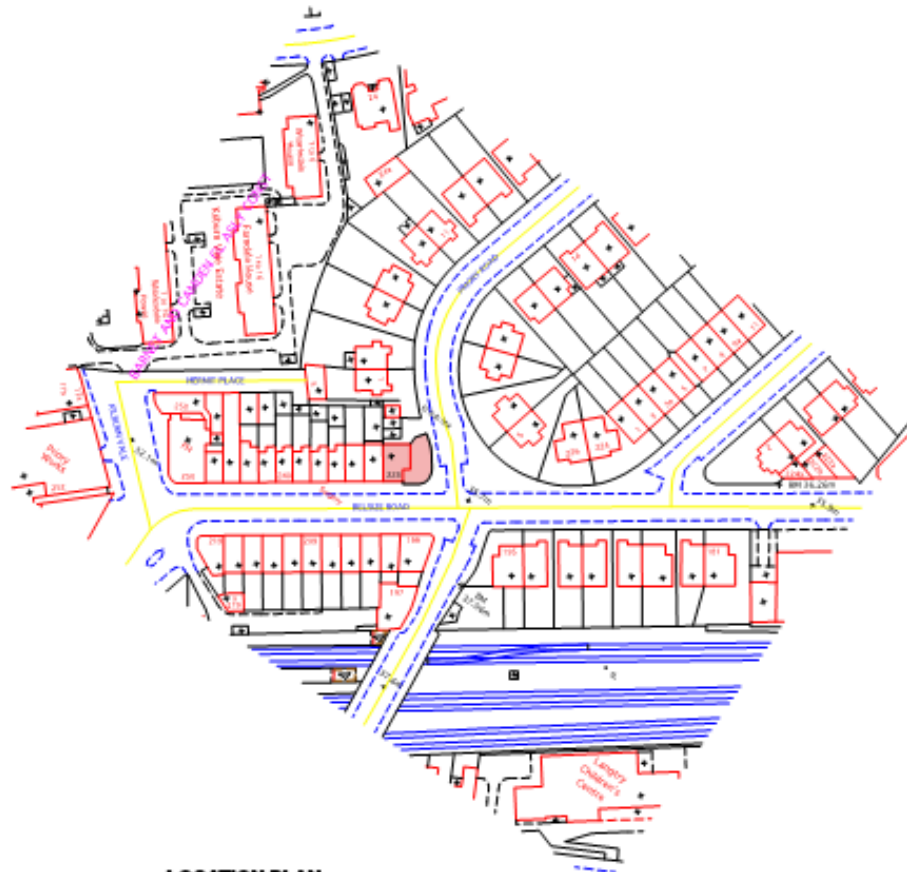


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1. DC Committee

2015/5832/P

**228 Belsize Road
London
NW6 4BT**



LOCATION PLAN
scale: 1 : 1250



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JOSEPH ROGIC

228 BELSIZE ROAD NW6 4BT

Location Plan

Client:
Peter Illi Esq.

Date:
1.12.14 (JRM)

Project No:
2014/2288P/LP

**50 Bernard Avenue
London W13 9TB**

Tel: 020 8576 8111











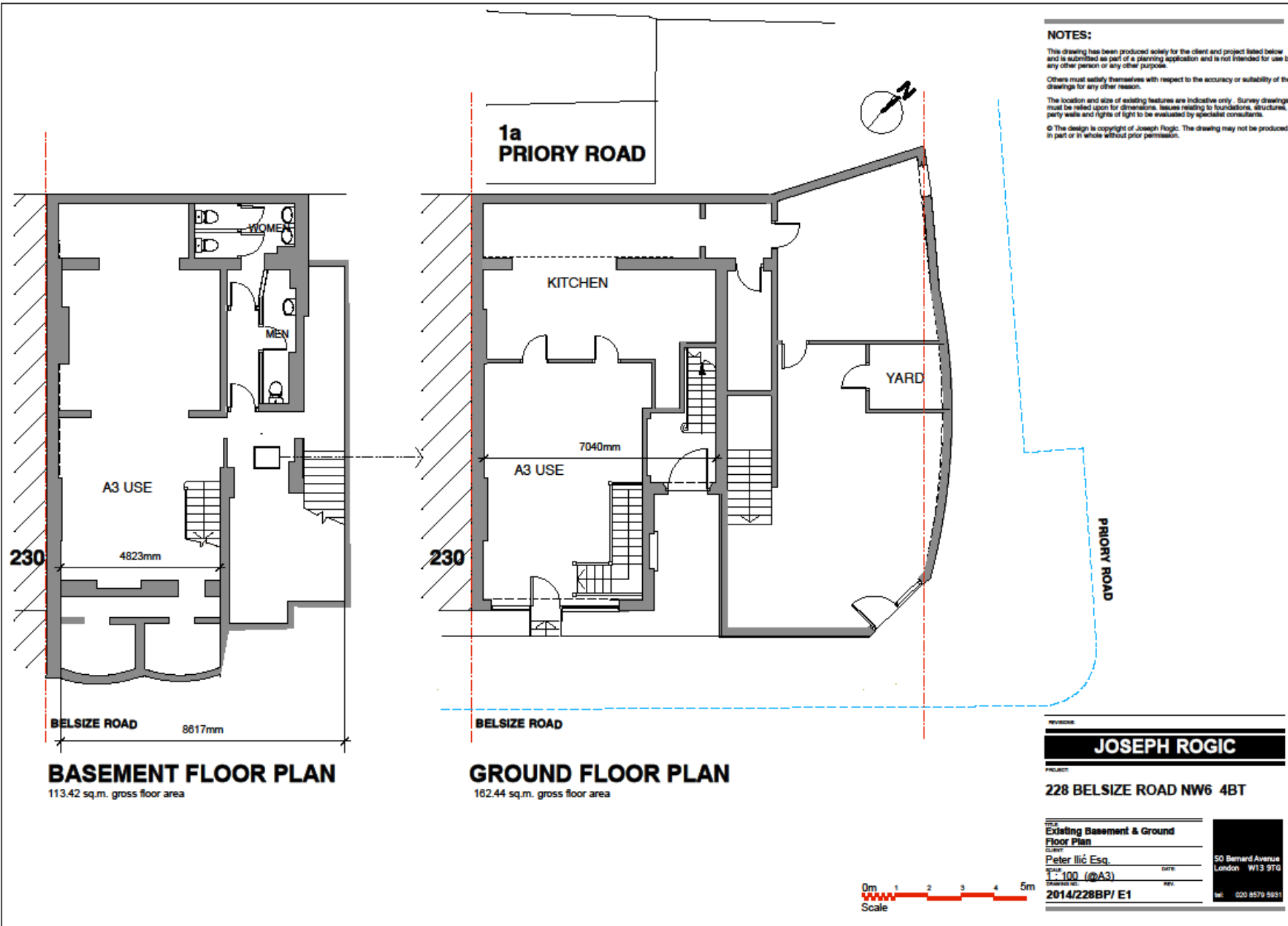
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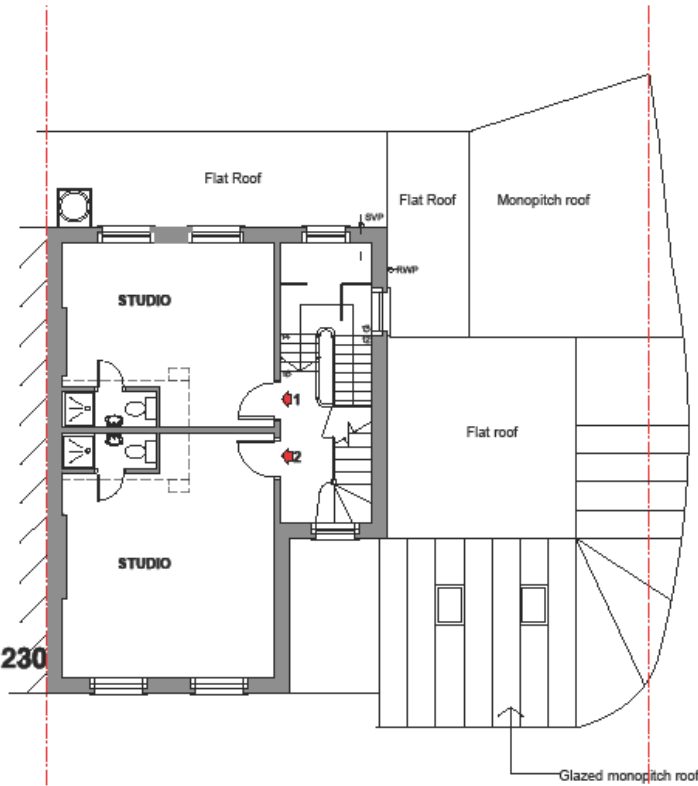
BASEMENT FLOOR PLAN
113.42 sq.m. gross floor area

GROUND FLOOR PLAN
162.44 sq.m. gross floor area

JOSEPH ROGIC
PROJECT
228 BELSIZE ROAD NW6 4BT

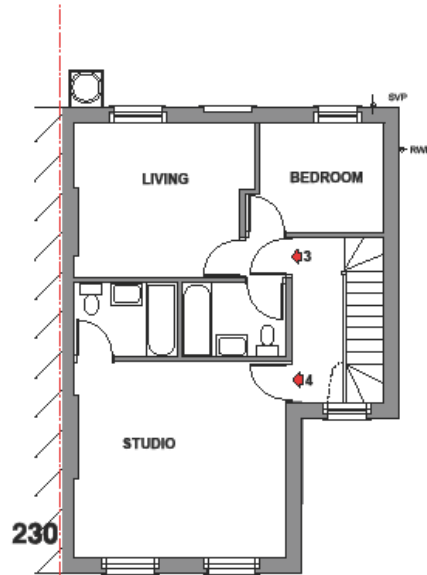
Existing Basement & Ground Floor Plan
CLIENT
Peter Ilic Esq.
SCALE
1:100 (@A3)
DRAWING NO.
2014/228BP/ E1

50 Bernard Avenue
London W13 9TG
tel: 020 8579 5831



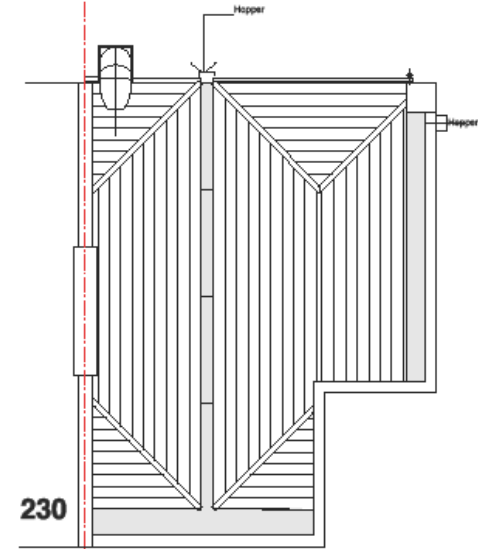
FIRST FLOOR PLAN

62 sq.m. gross floor area



SECOND FLOOR PLAN

62 sq.m. gross floor area



ROOF FLOOR PLAN

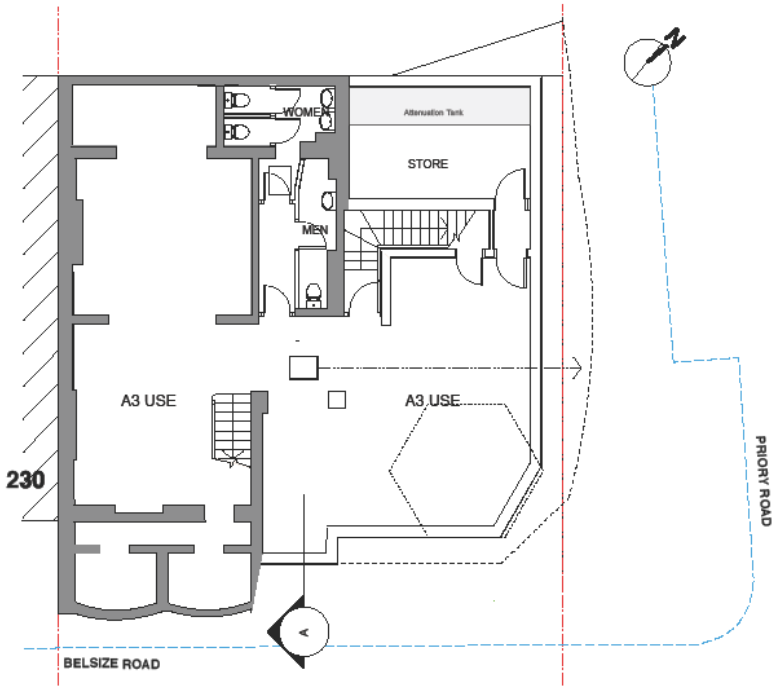
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REVISIONS	
JOSEPH ROGIC	
PROJECT	
228 BELSIZE ROAD NW6 4BT	
TITLE	
Existing Upper Floor Plans	
CLIENT	DATE
Peter Ilic Esq.	
SCALE	REV.
1:100 (@A3)	
DRAWING NO.	
2014/228BP/ E2	
50 Bernard Avenue London W13 9TG	
tel: 020 8579 5501	



UDE
IMNEY
NAL



BASEMENT FLOOR PLAN

158.73 sq.m. gross floor area



NOTES:

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Others must satisfy themselves with respect to drawings for any other reason.

The location and size of existing features are shown in grey. The location and size of existing features are shown in grey. The location and size of existing features are shown in grey. The location and size of existing features are shown in grey.

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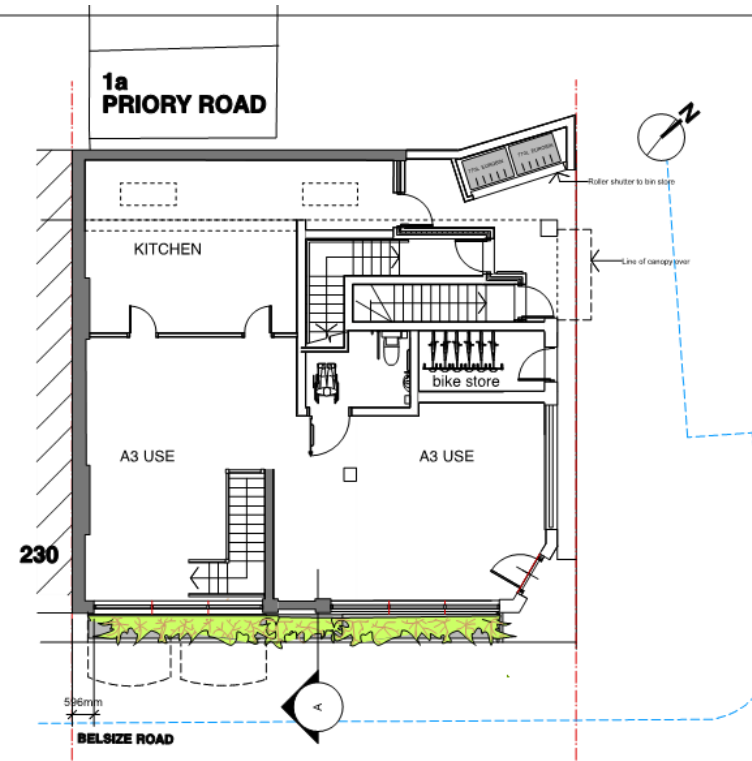
PLANNING ISSUE

REVISED
JOSEPH R
PROJECT
228 BELSIZE ROAD
TITLE
Proposed Basement Floor P
CLIENT
Peter Ilić Esq.
SCALE
1:100 (@A3)
DRAWING NO.
2014/228BP/ P1

LEGEND

- Existing retained
- New work

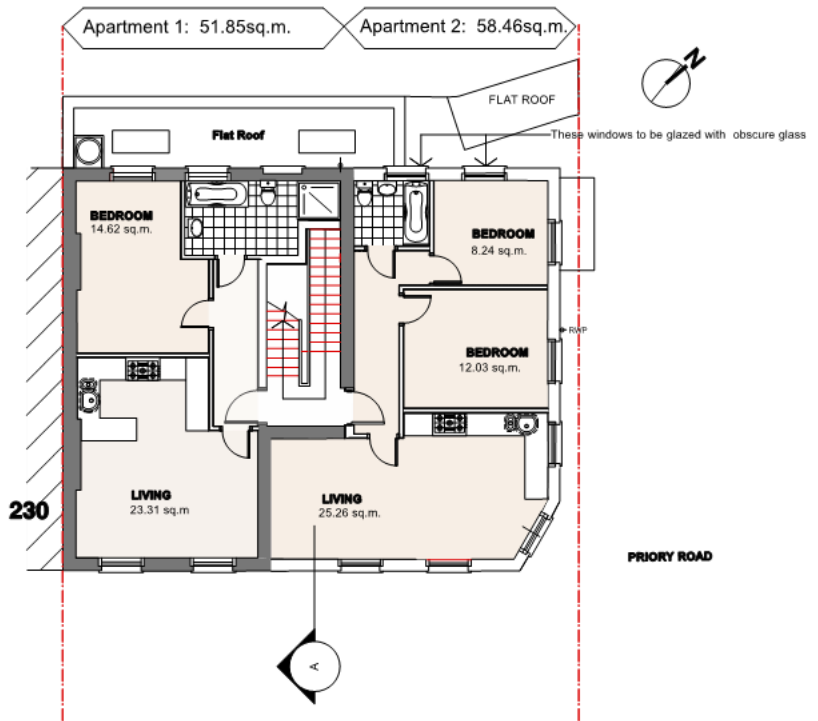
ALL GIVEN FLOOR AREAS INCLUDE INTERNAL PARTITIONS AND CHIMNEY BREAST, BUT EXCLUDE EXTERNAL WALLS.



GROUND FLOOR PLAN

138 sq.m. gross floor area





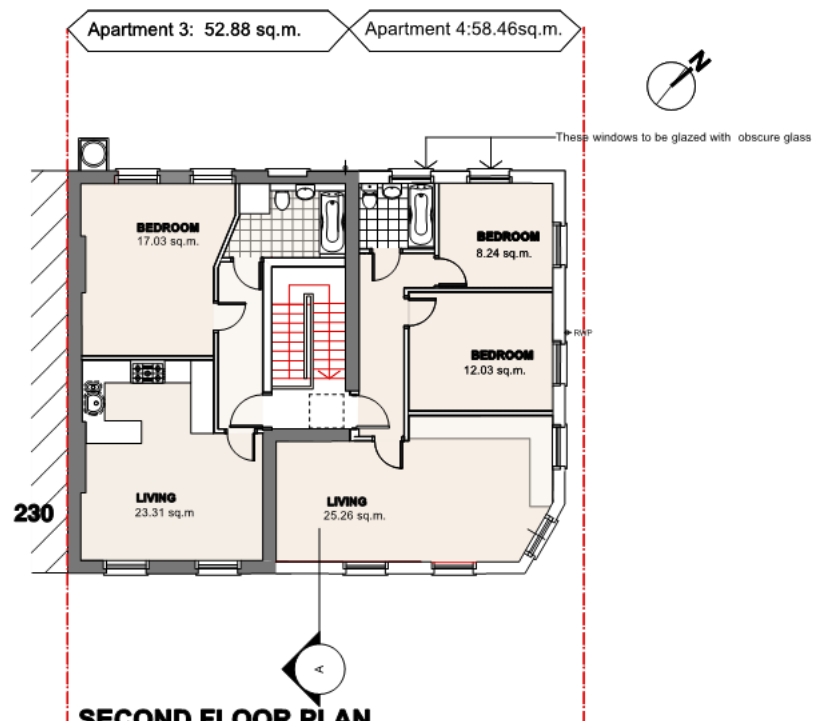
FIRST FLOOR PLAN
125.26 sq.m. gross floor area



LEGEND

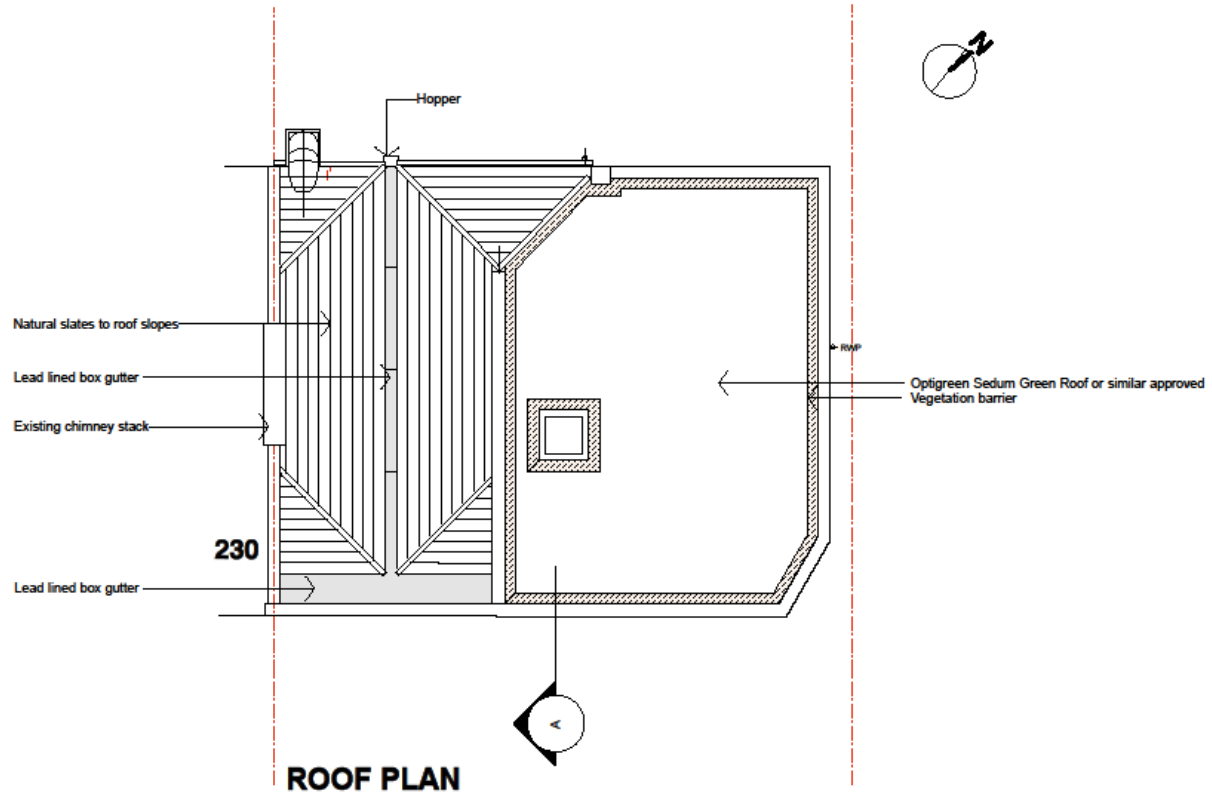
- Existing retained
- New work

ALL GIVEN FLOOR AREAS INCLUDE INTERNAL PARTITIONS AND CHIMNEY BREAST, BUT EXCLUDE EXTERNAL WALLS.



SECOND FLOOR PLAN
125.26 sq.m. gross floor area





PLANNING ISSUE

A (Nov 2015) Turret feature omitted.

228 BELSIZE ROAD NW6 4BT

Proposed Roof Plan

Peter Ilić Esq.

1 : 100 (@A3)

2014/228BP/ P5 A





EXISTING STREET SCENE



EXISTING FRONT ELEVATION

NOTES:

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JOSEPH ROGIC

228 BELSIZE ROAD NW6 4BT

Existing Front Elevation

Project Ref: Esp

T: 100 48541

2014/228DP/ ES

33 Bedford Avenue
London W1B 5DB
Tel: 020 819 9999





EXISTING STREET SCENE



PROPOSED FRONT ELEVATION

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PLANNING ISSUE

B (Jun 2016) Further amendments to accord with planning officer's request
 A (Nov 2015) Turret feature omitted, following Planning Officer's request

REVISIONS:

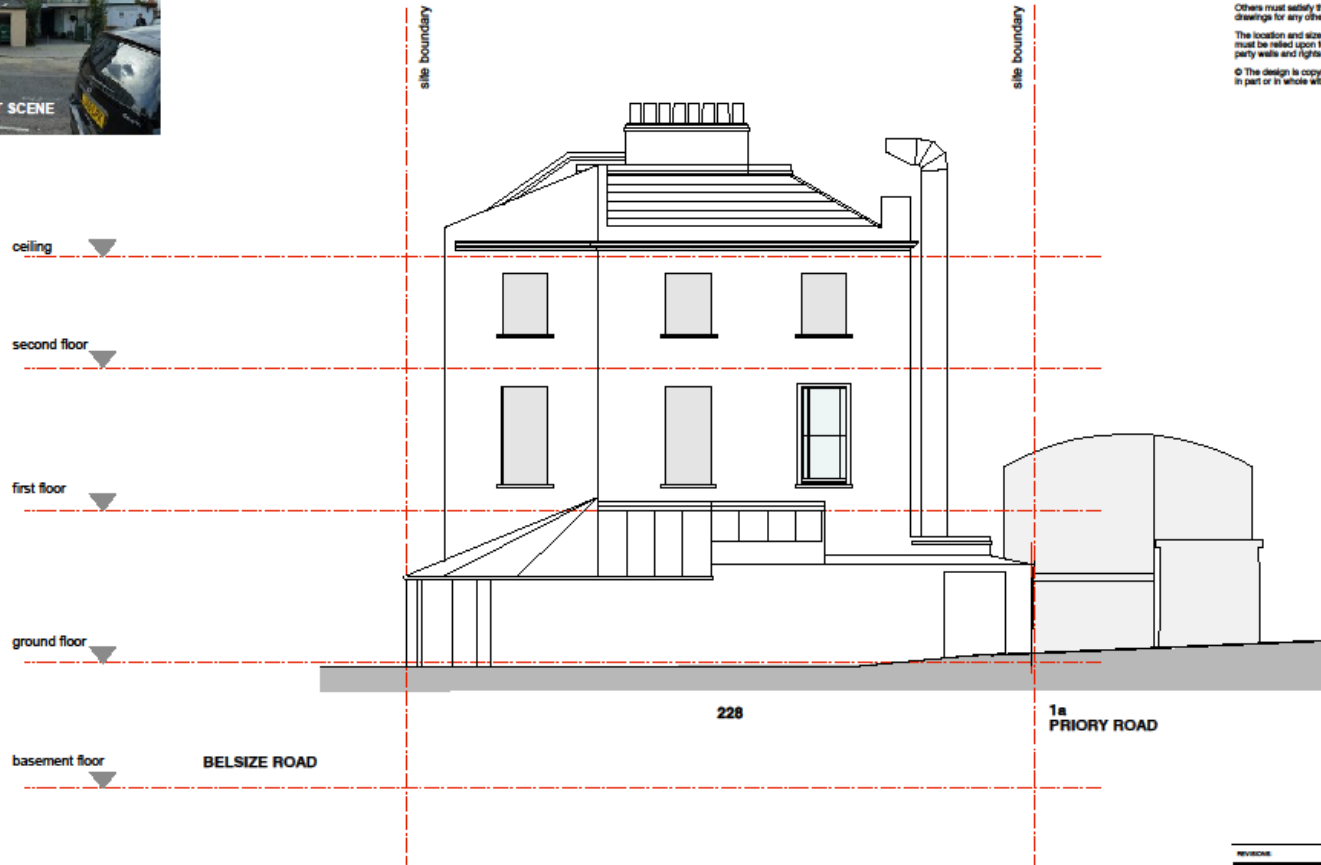
JOSEPH ROGIC

PROJECT:

228 BELSIZE ROAD NW6 4BT

FILE:		Proposed Front Elevation	
DRAWN:		Peter Ilić Esq.	
SCALE:		1:100 (@A3)	
PROJECT NO.:		2014/228BP/ P7	
REV. NO.:		B	

50 Bernard Avenue
 London W19 9TG
 Tel: 020 8779 5931

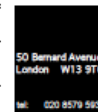


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EXISTING SIDE ELEVATION

JOSEPH ROGIC	
PROJECT	
228 BELSIZE ROAD NW6 4BT	
FILE	
Existing Side Elevation	
CLIENT	DATE
Peter Ilic Esq.	
SCALE	REV.
1:100 (@A3)	
2014/228BP/ E4	





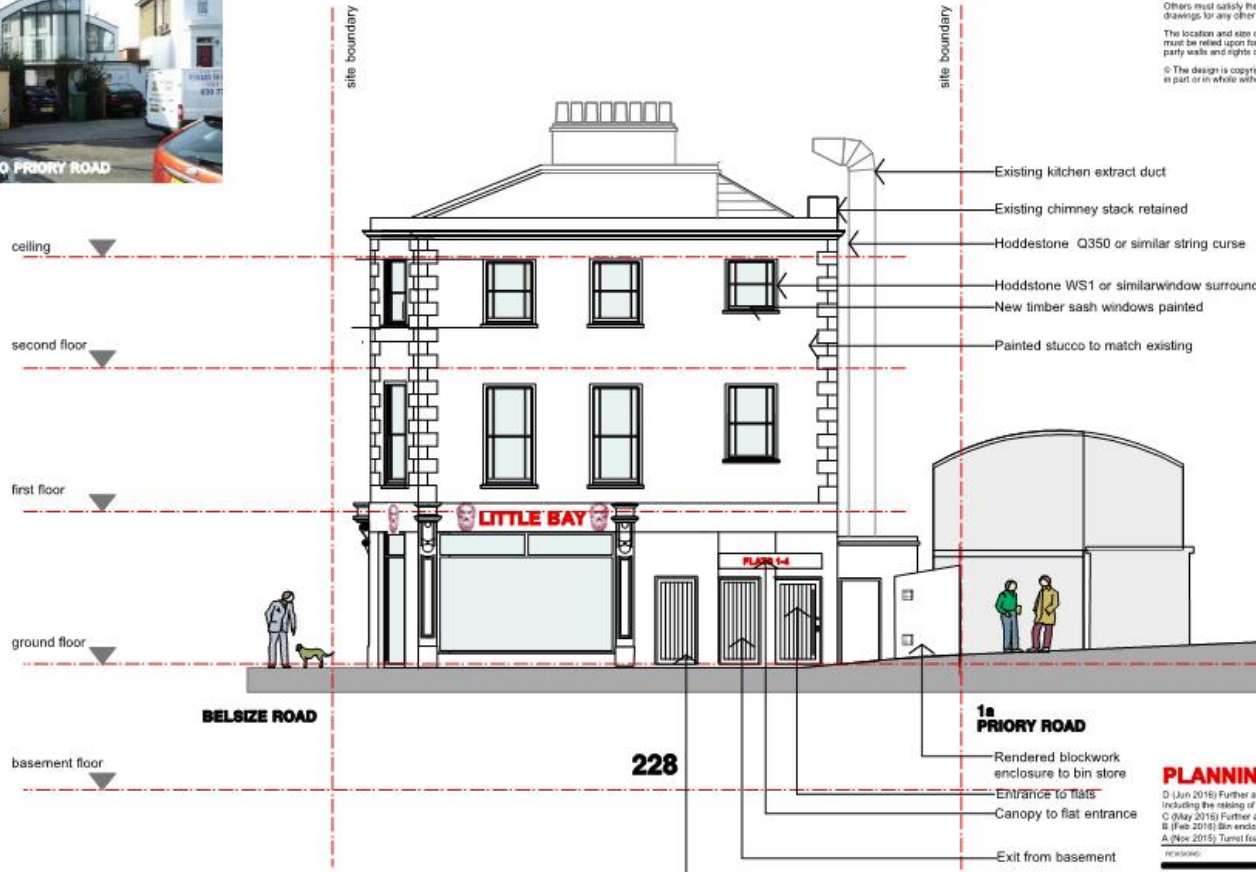
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PROPOSED SIDE ELEVATION

- Existing kitchen extract duct
- Existing chimney stack retained
- Hoddestone Q350 or similar string course
- Hoddestone WS1 or similar window surround
- New timber sash windows painted
- Painted stucco to match existing

- 1a PRIORY ROAD
- Rendered blockwork enclosure to bin store
- Entrance to flats
- Canopy to flat entrance
- Exit from basement
- Hardwood door and frame

PLANNING ISSUE

D (Jun 2016) Further amendments to accord with planning officer's request including the raising of parapet wall
 C (May 2016) Further amendments to comply with Planning officer's requests B (Feb 2016) Bin enclosure amended
 A (Nov 2015) Tunnel feature omitted, following Planning Officer's request

JOSEPH ROGIC

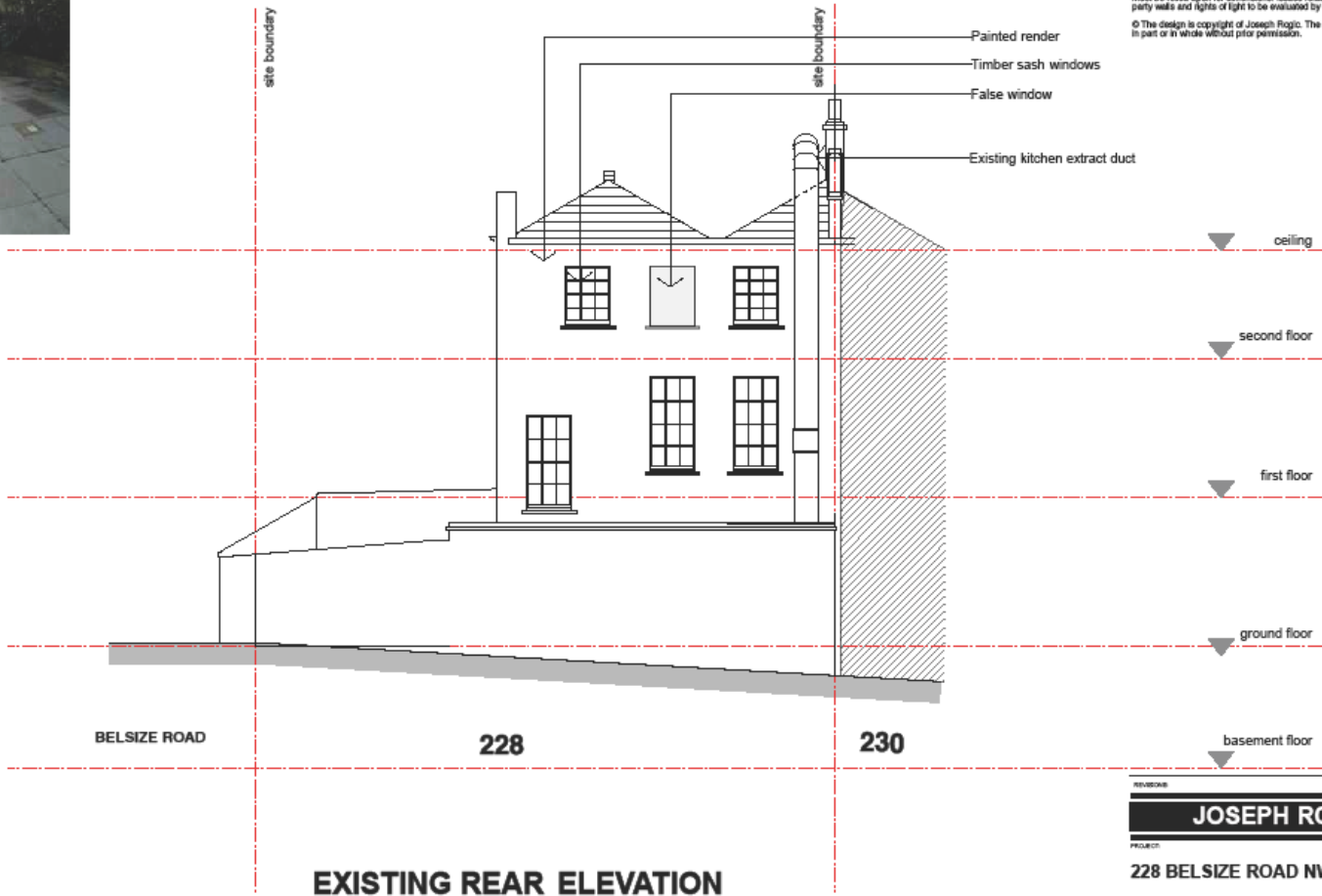
228 BELSIZE ROAD NW6 4BT

Proposed Side Elevation	
DESIGNER Peter Ilic Esq.	DATE
SCALE 1" = 100' (@A3)	REV D
PROJECT NO. 2014/228BP/P6	DATE D

50 Bernard Avenue
 London W15 9TG
 Tel: 020 8679 5931



EXISTING STREET SCENE



EXISTING REAR ELEVATION

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REVISED BY: **JOSEPH ROGIC**

PROJECT: **228 BELSIZE ROAD NW6 4BT**

TITLE: **Existing Rear Elevation**

CLIENT: **Peter Ilic Esq.**

SCALE: **1:100 (@A3)**

DATE: _____

DRAWN BY: **2014/228BP/ E5**

REV: _____

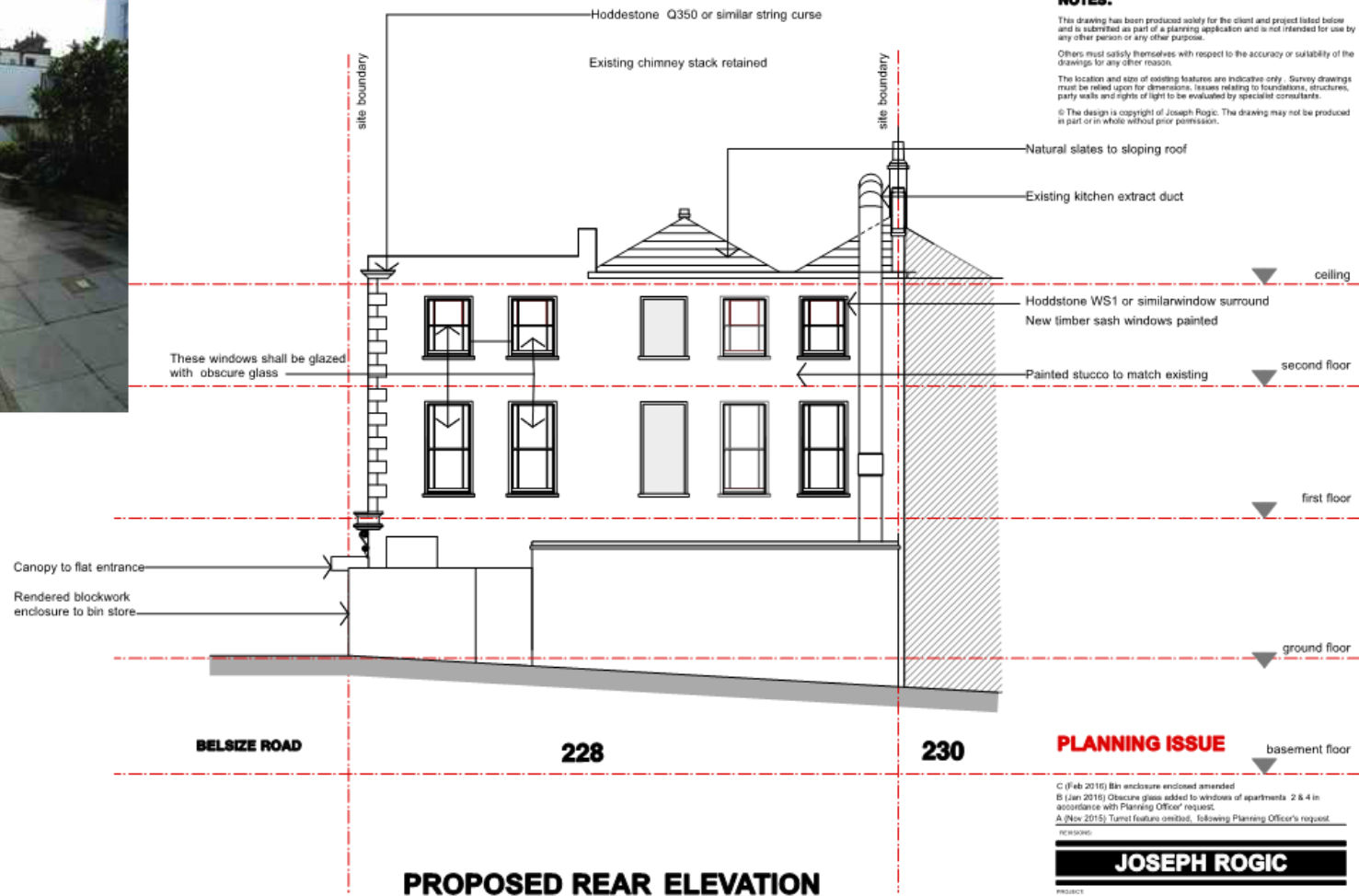
50 Bernard Avenue
 London W13 9TG

tel: 020 8579 5931





EXISTING STREET SCENE



PROPOSED REAR ELEVATION

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PLANNING ISSUE

C (Feb 2016) Bin enclosure enclosed amended
 B (Jan 2016) Obscure glass added to windows of apartments 2 & 4 in accordance with Planning Officer's request.
 A (Nov 2015) Turned features omitted, following Planning Officer's request.

REVISIONS:

JOSEPH ROGIC

PROJECT:

228 BELSIZE ROAD NW6 4BT

TITLE:

Proposed Rear Elevation

CLIENT:

Peter Ilic Esq.

SCALE:

1:100 (@A3)

DRAWN BY:

2014/228BP/ P9

DATE:

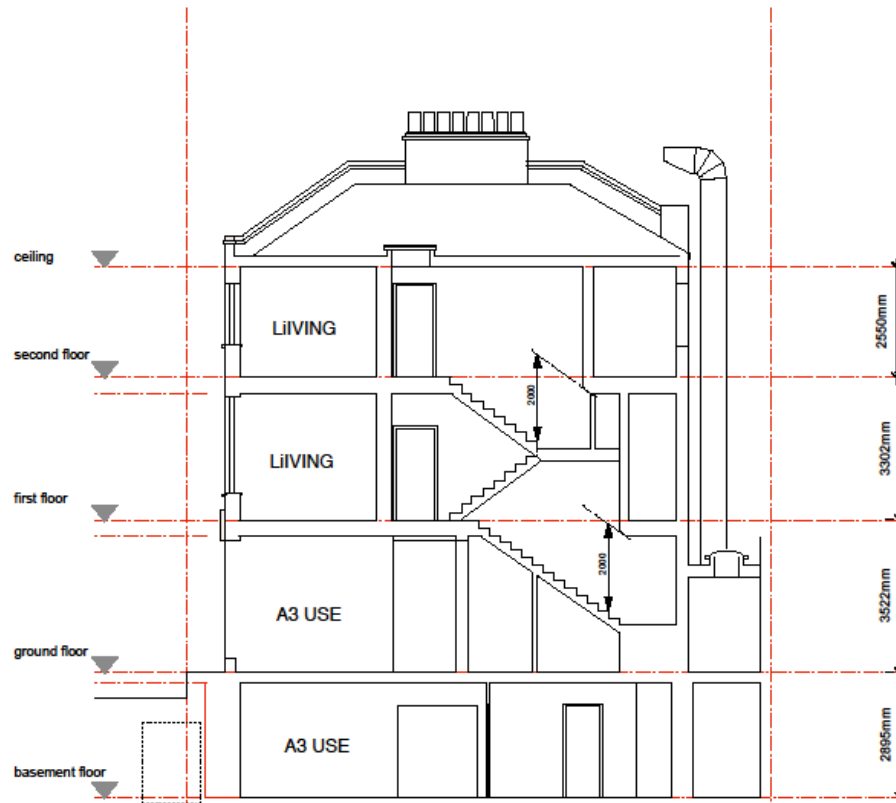
C

REV:

C

50 Bernard Avenue
 London W13 9TG
 tel: 020 8679 6511





LONGITUDINAL SECTION

NOTES:

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PLANNING ISSUE

REVISIONS	
JOSEPH ROGIC	
PROJECT	
228 BELSIZE ROAD NW6 4BT	
TITLE	
Proposed Longitudinal Section	
CLIENT	
Peter Ilčić Esq.	
SCALE	DATE
1:100 (@A3)	
DATE	REV.
2014/228BP/ P6	

50 Bernard Avenue
 London W13 9TG
 Tel: 020 8579 5931

