

Delegated Report		Analysis sheet		Expiry Date:	08/05/2020
		N/A		Consultation Expiry Date:	26/04/2020
Officer			Application Number(s)		
Adam Greenhalgh			2020/0428/P		
Application Address			Drawing Numbers		
13 Belsize Mews & 29 Belsize Lane London NW3 5AT			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey extension and formation of terrace at first floor level at 13 Belsize Mews; and relocation of the existing plant equipment at first floor associated with the ground floor restaurant at 29 Belsize Lane.					
Recommendation(s):		Refuse planning permission			
Application Type:		Full planning permission			
Conditions or Reasons for Refusal:		Refer to Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	15	No. of objections	9
		No. electronic	0		
Summary of consultation responses:		Site notice: 01/04/2020 – 25/04/2020 Press notice: 02/04/2020 – 26/04/2020 9 objections received by and on behalf of neighbouring occupiers. Objections received relate to: <ul style="list-style-type: none"> - Ownership (questioned whether the applicant owns part of the site and whether notice served on owners) - Noise disturbance from plant - Loss of privacy - Inaccuracy of application documents/drawings - Building insurance implications - Building Regulation/Party Wall and structural issues - Harm to outlook/visual amenity/aesthetic integrity - Inappropriate appearance of development - Light pollution - Obstruction/impaired access during construction - Recycling of plants needed <i>Planning Officer comments:</i>			

Ownership (questioned whether the applicant owns part of the site and whether notice served on owners)

The application form indicates that notice was served (Certificate B) on other owners at the site and the Council is not party to all the legal documents pertaining to ownership (which are private matters to be resolved between applicant and landlords)

Noise disturbance from plant

See 'Effects on the amenity of neighbouring occupiers' below

Loss of privacy

See 'Effects on the amenity of neighbouring occupiers' below

Inaccuracy of application documents/drawings

The application documents and drawings are considered to contain sufficient information to enable the proposal to be assessed.

Building insurance implications

Implications on building insurance are not a planning matter

Building Regulations/Party Wall and structural issues

Building Regulations/Party Wall and structural issues are not planning matters. They are matters to be resolved under other legislation.

Harm to outlook/visual amenity/aesthetic integrity

See 'Design and effects on the character and appearance of the area' below

Inappropriate appearance of development

See 'Design and effects on the character and appearance of the area' below

Light pollution

See 'Effects on the amenity of neighbouring occupiers' below

Obstruction/impaired access during construction

Construction management issues are not a matter upon which planning applications are ordinarily determined. They can be controlled under highways legislation and planning conditions.

Recycling of plants (flora)needed

The recycling of plants is not a material consideration in this case.

CAAC/Local groups comments:

None received

Site Description

The site comprises a three storey period building with a basement. The ground floor and basement are used as a restaurant and the first and second floors are in residential use. It has a two storey rear extension (on the basement and ground floor). The two storey rear extension is flat roofed with a low level wall/railing and it has extract ductwork, extracts and a 2m x 3m x 4m shroud with heat pump condensers on it.

The building is situated on the south side of Belsize Lane at the junction with Belsize Mews. It adjoins nos. 11 and 12 Belsize mews at the rear. The site level falls to the rear and the existing rear extension is two storeys in height.

The application building is not listed but is located in the Belsize Conservation Area and it is noted as being a building that makes a positive contribution to the Conservation Area. It is in Sub-Area 2 (Belsize Village) of the Conservation Area and the Belsize Conservation Area Statement 2002 notes that 29 Belsize Lane is faced in painted stucco.

Relevant History

PWX0103841	29 BELSIZE LANE LONDON NW3 5AS	Change of use and works of conversion to create 2 x three bedroom flats, one on the first floor and one on the second floor, including minor external alterations. As shown on drawing no. A001, A002, A003, A004, A005 as amended by letters dated 08/03/02 and 11/03/2 with attached sketch.	FINAL DECISION	11-03-2002	Grant Full Planning Permission (conds)
PWX0202360	The Belsize Tavern 29 Belsize Lane London NW3	The installation of a kitchen extract duct on the rear elevation. As shown on drawing no(s) 091/001A, 002A, 003A	FINAL DECISION	15-07-2002	Grant Full Planning Permission (conds)
2005/4629/P	Belsize Tavern 29 Belsize Lane London NW3 5AS	Insertion of additional front door opening to match the existing, widening of existing fire escape door to Belsize Mews elevation plus minor alterations to fenestration, raising of side and rear parapet line at first floor level	FINAL DECISION	07-11-2005	Granted

and installation of new safety rail.

2006/3597/P	Belsize Tavern 29 Belsize Lane London NW3 5AS	Installation of plant and extract equipment on rear flat roof area at first floor level, including landscaped and planted screening in relation to the ground floor commercial use.	FINAL DECISION	05-09-2006	Granted
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Relevant policies

National Planning Policy Framework (2019)

The London Plan March 2016 and Draft London Plan July 2017

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy C5 Safety and security

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance

CPG1 Design (2019)

CPG Amenity (March 2018)

CPG Altering and extending your home (March 2019)

Belsize Conservation Area Statement 2002

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 4.2m deep single storey extension on the existing rear extension, the formation of a new plant zone on the rear extension and installation of timber decking. The extension would be of brick/glazed construction and it would be 3.7m in height and 8.6m in width. It would be set back 3m from the Belsize Mews elevation of the building where a 3.5m high, 3.5m deep, 1.75m wide plant enclosure would be provided. A new glazed balustrade would be provided on the edge of the existing rear extension. The proposed extension, which would have glazed bi-folding doors at the rear and windows in its south west elevation, would be used as a dining room for the first floor flat.

2.1 ASSESSMENT

The material considerations for this application are summarised as follows:

- Design and effects on character and appearance of the area
- Effects on the amenity of neighbouring occupiers

2.2 Design and effects on character and appearance of the area

2.2.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.2.3 Within the Heritage section of the Council's Planning Guidance SPD it is noted that 'The Council will only permit development within Conservation Areas that preserves and where possible enhances the character and appearance of the area'. While not listed, the building is noted as making a positive contribution in the Belsize Conservation Area Statement 2002. It is therefore a non-designated heritage asset and as noted in the Design CPG: 'The Council will protect non-designated heritage assets. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset'.

2.2.4 The design and concept of the extension would not preserve the heritage value of the building. The scale, proportions and treatment of the proposed extension with its full height bi-folding and metal doors would not maintain the historic and architectural integrity of the building and it would be detrimental to the heritage value of the building and the architectural language of the mews.

2.2.5 Insufficient details on materials and treatment have been submitted to demonstrate that the new plant enclosure would not detract further from the character and appearance of the Conservation Area, more so than the existing plant.

2.2.6 The proposed extension and plant enclosure, as presented, would have a negative impact on the uniformity, character or appearance of the mews and as such they would fail to preserve or enhance the character and appearance of the conservation area.

2.2.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. For the combination of reasons set out above the proposed development would fail to preserve or enhance the character and appearance of the host building, and wider Belsize Park conservation area.

2.3 Effects on the amenity of neighbouring occupiers

2.3.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.

2.3.2 The impact of the proposals on the visual amenity of neighbouring occupiers is largely considered in 'Design and effects on character and appearance of the area' above. The proposal would not be directly overbearing upon any immediately adjoining rooms or private amenity areas but it would represent an inappropriate addition to the building and the townscape which would harm the character and appearance of the area.

2.3.3 Situated to the north of nos. 11 and 12 Belsize Mews and set back from the rear elevation of the building, it would not result in significant overshadowing of the rooflights in the rear roof slopes of these properties. Due to its orientation to the north east of the adjoining property to the side (10 Belsize Mews) there should be no excessive overshadowing at this site.

2.3.4 However, the proposal would introduce new side-facing first floor new windows directly alongside no. 10 Belsize Mews (and other facing houses in Belsize Mews). It would also have a terrace effectively at second floor level. Due to their siting and design, these would provide clear, direct views onto the terraces (and windows) of neighbouring properties. The proposals would therefore result in a significant increase in overlooking of adjoining residential properties, to the detriment of the amenity of the occupiers.

2.3.5 The application is accompanied by a Noise Impact Assessment which suggests that the noise levels associated with the external plant do not exceed the prevailing background sound level during the day and are, therefore likely to have little or no impact on the amenity of the closest noise sensitive residential uses due to their relocation. The Council's Environmental Health Team has advised that the acoustic assessment has used BS4142:2014 which in part is correct but by using BS4142 in its entirety it has not given regard to the Camden 2017 Local Plan and would not give the correct level outcome which needs to be complied with.

2.3.6 The calculated rating level has been assessed by the consultant falls short of the -10dB required under the Local Plan. The report does not suggest any noise mitigation to be employed. In light of this the calculations cannot be relied upon and the report needs to be revised to comply with current noise criteria. Until such time the Noise Impact Assessment is unacceptable in environmental health terms.

2.3.7 There is also the matter of the formation of the roof terrace adjacent to the plant enclosure. It would also provide unsatisfactory living conditions to the occupiers of the application property, in addition to those surrounding (as explained in 2.3.3 and 2.3.4 above).

2.3.8 The proposals do not appear to give rise to any significant risks to security.

3.0 Recommendation

3.1 Refuse planning permission

