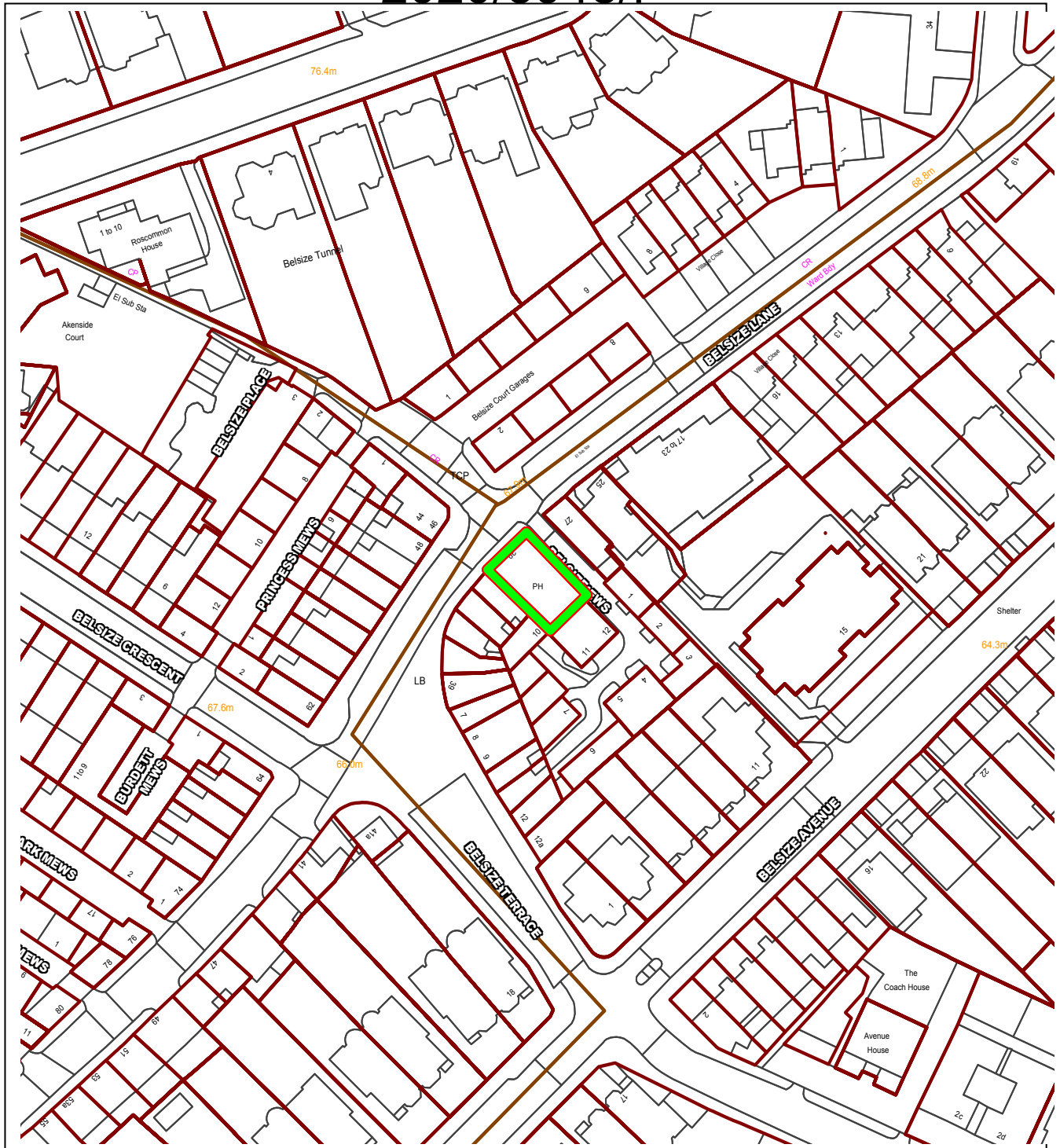


2020/5948/P



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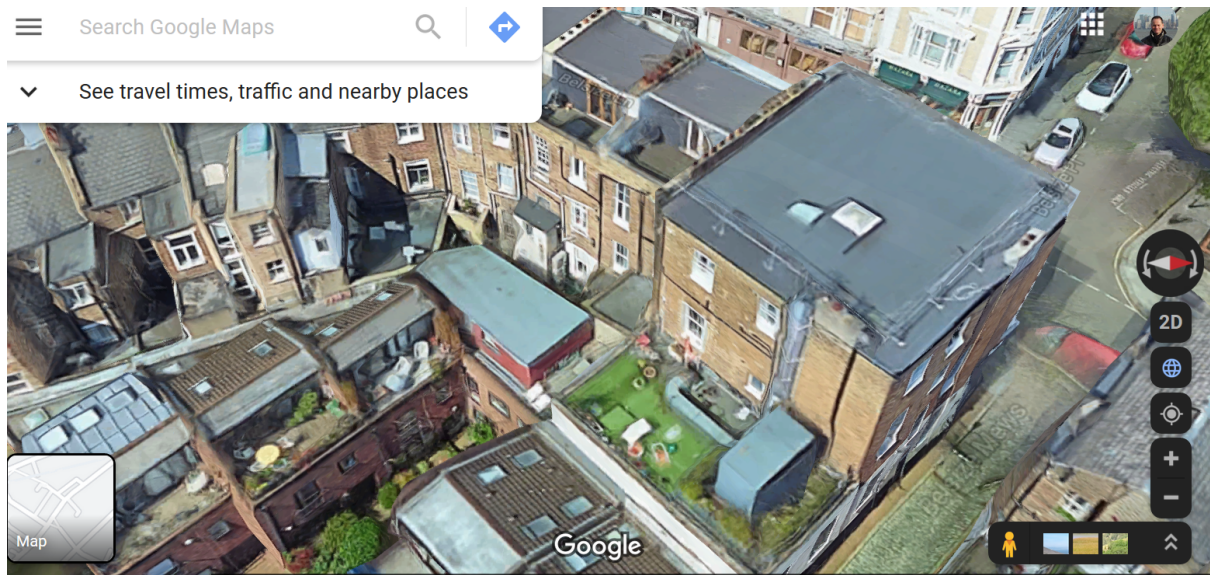


No changes proposed to existing flat roof  
(Note: Plant serves ground floor restaurant)





Existing window (left) to be replaced by door



Aerial view of site

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	
		N/A		<b>Consultation Expiry Date:</b> 14/03/2021	
<b>Officer</b>			<b>Application Number(s)</b>		
Adam Greenhalgh			2020/5948/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
13 Belsize Mews / 29 Belsize Lane London NW3 5AT			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Replacement of existing kitchen window on first floor at rear with door to enable access to flat roof (for maintenance purposes).					
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission</b>			
<b>Application Type:</b>		<b>Full Planning Application</b>			
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>					
<b>Consultations</b>					
<b>Adjoining Occupiers:</b>		No. of responses	<b>06</b>	No. of objections	<b>06</b>
		Site notice: displayed 17/02/2021 – expiry 13/03/2021 Press notice: published 18/02/2021 – expiry 14/03/2021  Letters of objection received from: <ul style="list-style-type: none"> <li>- Leaseholders of 14 Belsize Mews (flat above application property),</li> <li>- Freeholder of Belsize Mews</li> <li>- 10 Belsize Mews</li> <li>- Owner of 7 Belsize Mews and company secretary of Belsize Mews (Residents) Limited</li> <li>- 5 Belsize Mews and a director of Belsize Mews (Residents) Limited</li> <li>- Owner of no. 8 Belsize Mews</li> </ul> Objections raised on grounds of: <ul style="list-style-type: none"> <li>- Noise and disturbance</li> <li>- Loss of privacy</li> <li>- Unauthorised use of flat roof as a terrace</li> <li>- Harm to appearance</li> </ul>			

- Inaccurate information on application form regarding ownership and proposal
- Notice not served or adjoining occupiers notified of the proposal
- Impact on building structural stability/insurance

*Officer comment:*

Noise and disturbance: See 'Effect on amenity of surrounding occupiers' below

Loss of privacy: See 'Effect on amenity of surrounding occupiers' below

Unauthorised use of flat roof as a terrace: Any existing or future unauthorised use of the flat roof should be dealt with under planning enforcement measures and it is not a matter upon which this application can be considered

Harm to appearance: See 'Design and Conservation' below

Inaccurate information on application form regarding ownership and proposal: Ownership certificates (in this case, Certificate B) are taken in good faith by the Council. The applicant has confirmed to officers that notification letters were delivered by hand, and an objection was received from residents within the building, suggesting their ability to comment on the application was not prejudiced.

Notice not served or adjoining occupiers notified of the proposal: The Council undertook its own statutory consultation in accordance with the Statement of Community Involvement by way of press advert, site notice and e-alert.

Impact on building structural stability/insurance: These are not planning matters and they would need to be dealt with by way of the Building Regulations and/or private action.

## Site Description

The site comprises a three storey period building with a basement. The ground floor and basement (29 Belsize Lane) are used as a restaurant and there are self-contained flats on the first and second floors (13 and 14 Belsize Mews).

The ground floor occupies the entire site but the first and second floors are set back, such that there is a full width, 6m deep flat roof at first floor level at the rear of the site. This flat roof is enclosed by a wall/railing and it has plant for the restaurant including an extract ductwork, extracts and a 2m x 3m x 4m shroud with heat pump condensers, on it.

The site slopes down from north west to south east (down Belsize Mews) such that the flat roof at first floor level at the site is higher than the roof and terrace levels of neighbouring dwellings in Belsize Mews.

The flat roof at the rear abuts the first floor flat (13 Belsize Mews) which has a kitchen window (and a bathroom window) abutting the flat roof.

The building (and the flat roof) abuts 10 Belsize Mews (south west) and nos. 11 and 12 Belsize mews to 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.

## Relevant History

2020/0428/P - 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 – refused 03/11/2020

### *Reasons for refusal:*

- 1. The proposed extension and plant enclosure, by way of their scale, bulk, location, materials and elevational design, would appear as an unduly dominant and visually intrusive addition detracting from the character and appearance of the host building, adjacent mews and the surrounding part of the Belsize Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and the Belsize Conservation Statement 2002*
- 2. The proposed extension, by reason of its close proximity to and direct overlooking of surrounding residential properties including a number of habitable windows would result in an intrusive presence and loss of privacy for surrounding residential occupiers contrary to policy A1 (Managing the impact of development) of the LB Camden Local Plan 2017 and the Camden Planning Guidance on Design (2019).*
- 3. The proposed plant enclosure, in the absence of acoustic information demonstrating that the enclosed plant is capable of operating within acceptable noise limits, is considered likely to result in increased disturbance for the occupiers of neighbouring dwellings contrary to policy A1 (Managing the impact of development) of the LB Camden Local Plan 2017 and the Camden Planning Guidance on Design (2019).*

2006/3597/P – 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 – granted 13/10/2006

2005/4629/P - 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 and installation of new safety rail – granted 22/12/2005

PWX0202360 – Installation of a kitchen extract duct on rear elevation – granted 15/07/2002

PWX0103841 – 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 – granted 11/03/2002

## Relevant policies

National Planning Policy Framework 2019

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance (CPG)

Design (2021)

Amenity (2021)



## Assessment

### 1 Proposal

1.1 Planning permission is sought for the replacement of the existing kitchen window at the rear of the existing first floor flat (13 Belsize Mews) with a door to enable access to the flat roof at the rear for maintenance. The kitchen window would be replaced by a timber framed door. This is indicated as being for maintenance.

### 2 Assessment

2.1 The material considerations for this application are as follows:

- Design and Conservation
- Amenity of neighbouring residential occupiers

#### 2.2 Design and Conservation

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.

2.2.2 Within the Heritage section of the Council's Design CPG 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'.

2.2.3 Guidance note BE19 of the Belsize Conservation Area Statement states: 'New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and, where appropriate, architectural characteristics, detailing, profile and materials of adjoining buildings'

2.2.4 The only physical alterations which would be undertaken would be the replacement of a kitchen window with a door. Detailed drawings have not been provided, nevertheless, it is considered that, subject to a condition requiring the submission and approval of the detailed design, there would be no harm caused to the character or appearance of the Conservation Area.

2.2.5 The new door would be for maintenance purposes only. No new structures are proposed on the roof and consequently the proposal would not impact upon the character or appearance of the building or Conservation Area.

2.2.6 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### 2.3 Amenity of neighbouring residential 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 All objections refer to the potential use of the flat roof as a terrace by the applicant(s). However, the applicant has indicated that the proposed new door onto the flat roof is for maintenance purposes only.

2.3.3 The previous application (2020/0248/P) for the erection of an extension on the flat roof and a terrace thereto was (partly) refused on grounds of overlooking of neighbouring terraces (and windows) and the unrestricted use of the flat roof as a terrace would give rise to overlooking due to its elevated position above neighbouring terraces and windows on Belsize Lane and in Belsize Mews. However, as the proposal is for maintenance purposes only, then subject to a condition that the roof isn't used as a balcony, terrace or for any other ancillary residential purposes, then it should not result in any significant degree of overlooking. The previous application was not refused on grounds of excessive noise or disturbance and the proposal, given a condition to prevent the roof from being used as a balcony, terrace or for any other ancillary residential purposes, would similarly not give rise to undue noise or disturbance. The formation of a door to give access to the roof for maintenance purposes would not give rise to undue noise or disturbance for neighbouring occupiers.

### **3.0 Recommendation:**

3.1 Grant conditional planning permission

#### **DISCLAIMER**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Tuesday April 6th 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'***

Application ref: 2020/5948/P  
Contact: Adam Greenhalgh  
Tel: 020 7974 6341  
Email: [Adam.Greenhalgh@camden.gov.uk](mailto:Adam.Greenhalgh@camden.gov.uk)  
Date: 29 March 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE  
Phone: 020 7974 4444  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

Locksley Architects  
Westbourne Studios  
Unit 21  
Notting Hill  
W10 5JJ

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**13 Belsize Mews / 29 Belsize Lane**  
**London**  
**NW3 5AT**

Proposal: Replacement of existing kitchen window on first floor at rear with door to enable access to flat roof (for maintenance purposes).

Drawing Nos: 0995: L02A, E01 C, E02 C, E03 C, E04C, E05C, E06C, P01C, P02C, P03C, P04C, P05C, P06C, Design & Access Statement

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Prior to the commencement of development, a detailed drawing of the new door hereby approved (at a scale of no less than 1:20) shall be submitted to and approved by the Local Planning Authority. The drawing shall indicate the materials and appearance of the frame and materials of the door. The proposed

development shall be undertaken in accordance with the details approved under this condition.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawings:

0995: P01C, P02C, P03C, P04C, P05C, P06C

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

- 4 The new door hereby approved shall be used for access for maintenance purposes only and the flat roof at the rear of the site shall not be used as a balcony, terrace or for any other ancillary residential purposes.

Reason: To protect the amenity of the occupiers of neighbouring residential properties in accordance with Policy A1 (Managing the impacts of development) of the LB Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing

Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**