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31 Belsize Park Gardens, London, NW3 4JH

Note in response to Council comments, 22 March 2021

Application 2020/5975/P

This short note responds to the Council's requests that seek an amendment to the application. Enclosed are formal amendments, with the drawings listed at the end of this note.

Front garden steps

The first request states that *'the reinstatement of the front garden pavement is subject to an active enforcement notice and is not a part of the current application'*. The reinstatement works required by the Enforcement Notice are acknowledged, and compliance with that Notice would be required regardless of any planning application (and outcome of a planning application).

Thus, there is no reason why the works cannot be included as part of a planning application. If this application is approved then those works will be done; if this application is refused then those works will be done. The works were included for clarity as to the whole package of changes to occur at the property, in the interests of proper planning and conciseness. But, notwithstanding these comments, my client has agreed to remove these works and so they are no longer included in this planning application.

Side dormer

There are other examples of side dormer windows the same size or similar along Belsize Park Gardens. This variety in size and design is now part of the character of the street and wider area, as examined in the original submission. The request to remove this appears to have just stemmed from one comment saying the dormer is too wide, and the request to amend the size does not take into account the wider context of the street.

The Council's comment on this matter is that *'The new side dormer window is considered too wide and too close to the roof hips and appears to be incongruous to the existing roof slope. Dormer windows should be setback from the edge, ridge and eaves of the roof by at least 0.5m.'* It is apparent this comment stems from the Design SPG which states at paragraph 5.11 that dormers should be sufficiently below the ridge of the roof in order to avoid projecting into the roofline, and refers to a 500mm gap being *'usually'* required between the dormer and the ridge or hip.



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However, as noted in the original submission, the SPG cannot cover every situation and its content cannot be a simple mantra to be followed without consideration to local circumstances. Indeed, the use of the word ‘usually’ shows that some flexibility is required, and the illustration accompanying paragraph 5.11 relates to front dormer windows. Regard must be paid to the character of the area when assessing whether a dormer respects that character, and the photographic evidence (and a site visit) shows that a larger dormer is appropriate in this instance.

This was in fact the conclusion reached at a similar case at No. 75 Belsize Park Gardens, where planning permission was granted in 2015 for various works including enlargement of the existing side dormer (ref. 2015/4758/P). The Belsize CAAC objected to this element of the works, but the Delegated Report considered the work acceptable and commented as follows:

‘The side dormer proposed originally has been reduced in size and would now measure 7.4m wide x 2.1m high x 3.3m deep. It would be set back 0.8m from the eaves which is more than Camden’s Planning Guidance of 0.5m. The dormer would be set down 4.0m from the roof ridge so would not project into the roofline when viewed from a distance. It is sympathetic to the style of the building and does not project forward of the characteristic ‘kink’ on the side elevation which is common to the majority of properties on Belsize Park Gardens. It is noted that other side dormers along the road have respected this break in the side wall by being setback so they are not overly visible in the streetscene...

It is considered that the principle of dormers in particular is well established along Belsize Park Gardens; there is a strong precedent of side dormers already set here, as evidenced in the Relevant History section of this report, several of which have been determined within the LDF timescale. The two neighbouring properties at 73 and 77 Belsize Park Gardens both have substantial side dormers.’ (emphasis added)

In light of the comments from the Council, my client has undertaken modifications to the scheme to compromise on this matter. The size of the dormer has been reduced so that it is 0.51m from the hip of the roof. The dimensions of the dormer are 7.6m wide x 1.2m high x 2.4m deep. It is set back from the eaves by 2.4m (measured in plan) and from the ridge by 3.6m (in plan).

It can be seen that these dimensions are all comparable to the dormer allowed at No. 75: the size of the dormer and the distance retained to the ‘edges’ of the roof and eaves. Together with the considerable variation of dormers in the area – as recognised in the Delegated Report for No. 75 – the reduction in the dormer window is considered to be acceptable and in line with the flexibility that is recognised in the SPG.

Side windows

The proposed windows on the side elevation are minor changes. The work falls under Class A permitted development rights, with the materials to be used matching that in the existing building. They were included, again, to be clear as to what was being proposed at the house in a comprehensive scheme.

The request to remove proposed windows again seems to stem just from one comment. The request is not reasonable in the context of the application property and its neighbour. Enclosed is a comparative drawing that shows the adjoining property of No. 33 has 14 windows on the side elevation of the main house: exactly the same number as would occur at No. 31.

It is interesting to note that one of these windows at the adjoining property of the ground floor/basement flat at No. 33 was granted most recently in 2009 (ref. 2009/0959/P). As with the dormer at No. 75, the Belsize CAAC objected to this. However, the Delegated Report said *'the proposed installation of an additional window in the side elevation at basement level is considered to be acceptable in design terms'*. It is also relevant to note that, unlike No. 31, the property at No. 33 was a flat and so did not have any permitted development rights for the installation of any windows in the side elevation. Yet the Council considered it acceptable and granted a specific planning permission.

It should also be pointed out that the Council granted permission in 2011 for the 8-over-8 side window at No. 31, now proposed again (ref. 2011/3704/P). The Belsize CACC had, once again, objected to that. The Delegated Report commented:

'It is also proposed to install a window on the side elevation of the property at ground floor level. The window is shown on the plans as a sash with 8 over 8 glazed panels. The concerns of local residents and the Belsize CAAC are noted. However, the property has a range of different glazing panels patterns in the fenestration and this design would not appear out of character.'

An amendment to this permission was obtained in 2012, which omitted the side window (ref. 2012/2656/P). The Delegated Report commented

'The drawings do show the omission of a proposed window at ground floor level and amendments to a window on the 2nd floor of the side elevation. However, as the property is a single family dwelling, these changes would fall within the permitted development rights.'

Thus, the Council have in the past confirmed both that the largest of the proposed windows on the side elevation of N. 31 is acceptable, and that in any event there is no control over new windows being formed.

The recent comment on windows also questions whether those proposed at lower ground level would be of benefit. They would be; the limited light to those rooms at lower ground floor mean that these new windows will provide more light. As noted above, this is the flat at No. 33 saw a specific grant of planning permission being allowed for windows at lower ground floor.

The above all shows that the number of windows that would occur on the side elevation of No. 31 is directly comparable to No. 33. Furthermore, permission has been granted in the past for additional windows at No. 31. And, unlike No. 33, permitted development rights exist for windows anyway. It would therefore be inequitable to not grant permission for the windows shown, and so these are not being removed from the current application.

Summary

It is trusted the amendment to the side dormer will now allow planning permission to be granted. Other issues have been addressed in the application, and the comments of the two objectors are resolved with this amendment.

Enclosed are the following drawings to be a formal amendment to the application:

JTD_0231_P01_001 Rev A, JTD_0231_P01_100 Rev C, JTD_0231_P01_101 Rev C, JTD_0231_P01_102 Rev C, JTD_0231_P01_103 Rev C, JTD_0231_P01_104 Rev C, JTD_0231_P01_105 Rev C, JTD_0231_P01_106 Rev C, JTD_0231_P01_300 Rev C, JTD_0231_P01_301 Rev C, JTD_0231_P01_302 Rev C, JTD_0231_P01_303 Rev C, JTD_0231_P01_304 Rev C.

Leigh & Glennie Ltd, 30/3/21