

**APPEAL BY MR LIVIO VENTURI**

**AGAINST THE DECISION OF THE LONDON BOROUGH OF CAMDEN  
FULL PLANNING PERMISSION**

**Erection of spiral staircases at rear of 10a and 12 (3rd floor) to provide access  
to new roof terraces on 10a and 12, with railings at front, sides and rear;  
provision of glazed screen to adjacent balcony of flat 5, 10 Belmont Street**

**10a and 12 Belmont Street and Flat no.5 10 Belmont Street, London, NW1 8HH**

**LPA APPLICATION REF: 2021/1297/P  
DATE OF DECISION: 28 July 2021  
DATE OF APPEAL: 2 September 2021**

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## **1.0 SITE & SURROUNDINGS**

- 1.1 In terms of context the application site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The application site is located within the administrative ward of Haverstock.
- 1.2 10a and 12 Belmont Street are located on the east side of Belmont Street and comprise a pair of modern four storey (with basement) terraced buildings, constructed in 2016. The fourth storey to the properties include roof accommodation set back behind the front and rear parapets. The buildings were originally two/three storey dwellings before being replaced in 2016 with the benefit of planning permission.
- 1.3 Immediately to the south of 10a is no.10 Belmont Street, a former 5 storey piano factory which has now been converted and extended into a part 5/part 8 storey residential flat block. Adjoining the roof of no.10a Belmont Street are two ensuite bathrooms and a balcony of a third floor flat (no.5). Adjacent to no.12 is no.14, a three storey end of terraced dwelling.
- 1.4 The appeal site is not located in a Conservation Area and the building and neighbouring buildings are not statutory listed. However, the site (both 10a and 12), along with the adjoining buildings (the former piano factory and no.14) are locally listed buildings. Please note however the local listing for 10a and 12 (the appeal site) refers to the original houses which have been demolished and replaced by new high quality terraced dwellings (approved by planning permission 2016/5096/P).
- 1.5 The site is well served by public transport and is within walking distance to the Chalk Farm Underground Station and several bus routes located along Chalk Farm Road and Haverstock Hill. Its accessible location is reflected in the site being located in an area with a Public Transport Accessibility Level (PTAL) Rating of 6a.
- 1.6 The site is within flood zone 1 and therefore has a low probability of flooding.

## 2.0 THE APPLICATION

2.1 The application was received by the Local Planning Authority (LPA) on 18 March 2021 and later made valid on the 17 May 2021. The application was assigned reference number 2021/1297/P.

2.2 The application sought full planning permission for the erection of spiral staircases at rear of 10a and 12 (3rd floor) to provide access to new roof terraces on 10a and 12, with railings at front, sides and rear; provision of glazed screen to adjacent balcony of flat 5, 10 Belmont Street.

2.3 The application was refused on 28 July 2021 for the two following reasons:

- 1. The proposed roof terraces, by reason of their location immediately adjacent to the balcony and bathroom windows of the neighbouring third floor flat at 10 Belmont Street, would result in a sense of enclosure/loss of outlook, unacceptable disturbance, loss of daylight and loss of privacy for the occupiers of this flat. The proposal would therefore be contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*
- 2. The proposed railings, glazed screens and spiral staircases, by reason of their siting, design, height, bulk and materials would appear incongruous and add harmful clutter to the roofscape. They would be visible in both short and long views from front and rear, and as such would have a detrimental impact on the appearance of the host properties and the adjoining roofscape, the adjacent locally listed buildings and the surrounding area. The proposals would therefore be contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

2.4 A copy of the Delegated Officer Report can be found at **Appendix 1**.

### **3.0 PLANNING HISTORY**

- 3.1 The appeal site and neighbouring site has an extensive planning history and therefore for brevity, the following focusses on that most relevant to the appeal.

#### ***Appeal Site – 10a/12 Belmont Street***

- 3.2 On the 9 March 2021 full planning permission was refused (2020/5474/P) for the creation of roof terraces, above existing third floor roof, with front and rear railings and access (spiral) staircases from existing third floor balconies at rear.
- 3.3 On the 21 May 2020 full planning permission was granted (2016/5096/P) for the erection of 2 x 4 storey replacement dwellinghouses following part demolition of the existing 3 storey houses with existing side and internal structural walls being retained (retrospective).

#### ***Neighbouring site - 10 Belmont Street (Former Chalk Farm Studios)***

- 3.4 On the 11 July 2019 full planning permission was granted (2019/1107/P) for the formation of 8 x sets of rear double doors at first to fourth floor levels to facilitate the erection of 4 x terraces with associated balustrades, privacy screens and a glazed canopy. Permission was later granted on 23 September 2019 (2019/1107/P) to extend the depth of these approved terraces.
- 3.5 On the 11 November 2015 full planning permission was granted (2015/3769/P) for new steel pergolas at 5th and 7th floors.
- 3.6 On the 18 November 2014 full planning permission was granted (2014/5518/P) for the installation of doors and Juliette balconies of 1st to 4th floors (south elevation) and lowering doors and windows to ground level Belmont Street elevation (Retrospective).
- 3.7 On the 28 April 2014 full planning permission was granted (2013/7971/P) for the alteration to external staircases on north facing (flank) and east facing (rear) elevations for provision of balconies as amenity terraces for new flats at 1st to 6th floor levels.
- 3.8 On the 16 October 2013 prior approval was granted (2013/5406/P) for the change of use from offices (Class B1) to residential (Class C3) to provide 10 units (1x3 bedroom, 9x4 bedroom) at ground, first, second, third and fourth floor levels.
- 3.9 On the 30 November 2011 full planning permission was granted (2011/4415/P) for the erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1),

including creation of roof terrace at rear 5th floor level and external terraced area at 6th floor level, creation of green roof, and associated alterations.

#### **4.0 NATIONAL PLANNING POLICY/LEGISLATION**

##### **LEGISLATION**

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

##### **NATIONAL PLANNING POLICY**

###### ***The National Planning Policy Framework (2021)***

- 4.2 At the heart of the NPPF is a presumption in favour of sustainable development (paras 7-14) and paragraphs 8, 9 & 11 are helpful in applying this presumption.
- 4.3 Paragraph 11 sets out how this is to be applied. It states that, for decision-taking, this means:
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
  - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless*
    - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 4.4 The NPPF introduces three dimensions to ‘Sustainable development’ (Economic, Environmental & Social - para 8), and advises that they are mutually dependent and should not be undertaken in isolation.
- 4.5 In applying this approach, firstly, development must be considered to be sustainable taking into account all three of the dimensions of sustainable development; a development that is sustainable in only one dimension would not be considered sustainable for the purposes of the presumption. The appellant considers that the development meets all three threads of sustainable development.
- 4.6 Secondly, the decision-taker is required to consider whether the development accords with an up-to-date development plan – and if it does planning

permission should be granted unless material considerations indicate otherwise. The appellant considers that the development accords with the development plan.

4.7 Thirdly, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, are out-of-date and if not, grant permission unless:

- *the application of policies in this Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

4.8 Section 12 refers to achieving well-designed places. Paragraph 130 states that planning policies and decisions should ensure that developments; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

4.9 Paragraph 134 states that development that is not well designed should be refused and conversely, significant weight should be given to development that reflects local design policies and government guidance on design.

4.10 Section 16 refers to the historic environment and requires the decision maker to consider the effect of an application on the significance of non-designated heritage assets, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paragraph 203).

## **5.0 THE DEVELOPMENT PLAN**

- 5.1 For the purposes of this appeal, the adopted Development Plan for the London Borough of Camden comprises of the London Plan (2021), the Camden Local Plan (2017) and the Camden Planning Guidance documents (CPG's).
- 5.2 The reasons for refusal refers to policies A1, D1 and D2 of the Camden Local Plan. For brevity, a brief description of the policy aspirations are set out below. The full policy wording is attached at **Appendix 2**.

### **Camden Local Plan (2017)**

- 5.3 The Camden Local Plan (2017) sets out the visions, objectives and related strategic planning policies for delivering development in Camden. It was adopted in July 2017.
- 5.4 The following policies have been cited within the reasons for refusal:

#### ***Policy A1 – Managing the Impact of Development***

- 5.5 The policy seeks to protect the quality of life of occupiers and neighbours, considering factors such as visual privacy, outlook and sunlight/daylight and overshadowing.

#### ***Policy A2 – Open Space***

- 5.6 Sets out that the Council will seek to ensure developments seek opportunities to provide private amenity space (criterion o).

#### ***Policy D1 – Design***

- 5.7 Requires development proposals to incorporate exemplary standards of sustainable and inclusive design and architecture. Further, it states, in the correct context, imaginative modern architecture is encouraged provided that it respects Camden's heritage and local distinctiveness.

#### ***Policy D2 – Heritage***

- 5.8 Requires that all development must ensure heritage assets and their setting are conserved or enhanced in a manner that is appropriate to their significance.



## 6.0 THE APPELLANTS CASE

***Reason for refusal 1: The proposed roof terraces, by reason of their location immediately adjacent to the balcony and bathroom windows of the neighbouring third floor flat at 10 Belmont Street, would result in a sense of enclosure/loss of outlook, unacceptable disturbance, loss of daylight and loss of privacy for the occupiers of this flat. The proposal would therefore be contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.***

- 6.1 Policy A1 of the Camden Local Plan (2017) (the Local Plan) requires development to protect the amenity value for occupiers and neighbours, considering factors such as (e) visual privacy and outlook, (f) sunlight, daylight and overshadowing and (j) noise and vibration levels.
- 6.2 The harm identified in the reason for refusal is levelled at the harmful impact the proposal has on flat 5 of 10 Belmont Street. The refusal reason states that the development will create a sense of enclosure to the flat, cause unacceptable disturbances, compromise the occupiers outlook and result in the loss of sunlight/daylight and privacy.
- 6.3 The delegated report identifies the two en-suite bathrooms serving two bedrooms of flat 5 at 10 Belmont Street as the main affected windows. The case officer considers that the privacy film proposed to the bathroom windows to flat 5 does not fully mitigate the effects created by noise, disturbance and perceived loss of privacy to these bathroom windows.
- 6.4 First and foremost it should be acknowledged that the main affected windows identified by the Local Planning Authority are en-suite bathroom windows, and therefore not serving habitable rooms. In this regard, the resulting impact of noise and disturbance to the use of these en-suite bathrooms is less sensitive than if they were bedroom or living room. It should also be acknowledged that the proposed balcony areas are to be used as private residential amenity areas for flats, which combined with their limited size, is likely to restrict the number of people that use the balcony at any one time. As a result, the level of noise and disturbance likely to be generated by the use of the balcony areas is unlikely to be significant and would be typical of a small domestic amenity space. In a dense urban environment such as this, the resulting noise impacts would not be considered harmful.
- 6.5 Turning to a perceived loss of privacy to the en-suite windows, the windows are proposed to be fitted with a privacy film which would prevent any overlooking from the terraces. Due to the windows serving bathrooms, it is not uncommon for such windows to be fitted with obscure glazing or similar (in this case privacy films) to safeguard the privacy of its residents. For these reasons the proposed privacy film is considered an entirely appropriate form of mitigation to safeguard the privacy for the occupiers of flat 5.

- 6.6 The property at flat 5 is a three bedroomed property which has a family bathroom in addition to the en-suites, and for the en-suite bathroom serving bedroom two, the window is also just a secondary window. In addition, the en-suite bathroom windows are due south of the proposed roof terraces and therefore receive limited sunlight by virtue of their orientation. For these reasons the proposal would not result in an increased sense of enclosure, loss of outlook, loss of daylight or sunlight or privacy to the neighbouring en-suite windows.
- 6.7 Turning to the impact of the proposed development on the balcony of flat 5, the delegated officer report considers the proposed glazed screen (proposed to maintain privacy between the balcony and the proposed roof terrace) would result in an unacceptable sense of enclosure and loss of outlook.
- 6.8 It should first be acknowledged that Flat 5 at 10 Belmont Street has two balconies. One on the rear elevation serving the living room and a secondary balcony off the master bedroom which is shown to be used for bicycle storage and which contains an air conditioning unit. Please refer to the layout plan of flat 5 which was approved under planning permission 2019/1107/P, attached at **Appendix 3**.
- 6.9 Secondly, the door serving the balcony at flat 5 is a secondary opening in comparison to the two large windows on the east elevation of the main building. It is considered that the windows to the east elevation by virtue of their size and orientation would provide the main light and outlook to this bedroom.
- 6.10 The proposal includes the erection of a glazed privacy screening between the proposed staircase and roof terrace and the balcony of flat 5. The screening is proposed directly opposite the door and is set back 2.3 metres from the door itself. The balcony at flat 5 is due south/ south east of the proposed roof terrace. When considering the east-west movement of the sun through the sky and the glazed nature of the proposed screening, the proposal would not result in the loss of daylight and sunlight to the neighbouring balcony.
- 6.11 The proposed privacy screening would alter the outlook from a secondary opening, however, this would not materially alter the outlook from the bedroom. The balcony would remain open on the east elevation which due to the relationship of this balcony to the existing building, currently provides the best outlook from this balcony. This would remain unchanged. It should also be noted that the existing balcony to flat 5 is enclosed by a high surrounding wall (the adjoining wall of 10a Belmont Street) whereby the balcony is set at a lower level than the proposed roof terrace. As such, the existing balcony space is already enclosed. The proposed glazed screening would therefore not have a significant impact on the existing outlook/light obtained to the balcony from its north/west sides. The photo below demonstrates the lower level of the balcony in relationship to the proposed terrace area.



View of the dropped level of balcony at Flat 5 No. 10 Belmont Street

- 6.12 The proposal would not create an undue sense of enclosure. The privacy screening would prevent direct overlooking of the balcony and the bedroom opening and would ensure that neighbour privacy is preserved yet good levels of natural light to the amenity area and bedroom would be retained.
- 6.13 In respect to disturbance, the site is located in a dense urban environment whereby many balconies, habitable windows, public areas and service areas are in close proximity. The relationship between the proposed balcony and roof terrace would not be materially different to that of the relationship between the existing balconies (figure 1). As such, the proposal would not give rise to any abnormal noise or disturbance impacts above that of the existing situation.



Figure1: Image showing the existing relationship of the balconies at Flat 5 and No. 10 Belmont Street (existing roof and third floor edged in red). Note the existing close relationship between existing balconies, roof terraces and habitable windows. Also note the prevalence of balcony railings and privacy screens and the variation in building design and materials finishes in the locality.

- 6.14 Furthermore, as outlined in paragraph 6.4, the proposed roof terraces are to be used as private residential amenity areas for flats where the level of noise and disturbance generated is unlikely to be significant and which would be typical of a small domestic amenity space.
- 6.15 For the reasons outlined above it has been demonstrated that the proposed development would not result in a sense of enclosure/loss of outlook, unacceptable disturbance, loss of daylight and loss of privacy for the occupiers of flat 5, 10 Belmont Street.

***Reason for refusal 2: The proposed railings, glazed screens and spiral staircases, by reason of their siting, design, height, bulk and materials would appear incongruous and add harmful clutter to the roofscape. They would be visible in both short and long views from front and rear, and as such would have a detrimental impact on the appearance of the host properties and the adjoining roofscape, the adjacent locally listed buildings and the surrounding area. The proposals would therefore be contrary to policy D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.***

- 6.16 Policy D1 of the Local Plan requires development to be of a high-quality design and respect the local context and character, preserve or enhance the historic environment and heritage assets as well as use high quality materials and detailing that complement the local character. The policy continues that the Council will require new development to incorporate outdoor amenity space.
- 6.17 Policy D2 of the Local Plan looks to preserve and where appropriate, enhance Camden's heritage assets and their settings, including non-designated heritage assets. The effect of the proposal will be assessed on the harm caused to the significance of the non-designated heritage asset.
- 6.18 The Camden Design CPG in relation to boundary walls, fences and railings expect *'the design, detailing and materials used to provide a strong positive contribution to the character and distinctiveness of the area and integrate the site into the street scene'*.
- 6.19 Camden's Local List describes the application building (10-14 Belmont Street) as a group of 3 terraced houses, the southern fragment of a mid-19<sup>th</sup> Century group of 13 terraced houses which formerly ran to the end of this arm of Belmont Street. Restrained and elegant with single storey bay window at ground floor level, timber sliding sash windows and decorated brick parapet wall. The aesthetics of the group of buildings derive from its local architectural and townscape significance.
- 6.20 The significance of the application buildings have been seriously eroded by the fact that the buildings which is described in the local list description have been demolished and replaced by new high quality terraced dwellings (approved by planning permission 2016/5096/P). Nonetheless, the buildings draw on the

sites heritage in its design and have been finished in similar high quality, yet modern materials.

- 6.21 The former Chappell's Piano Factory located immediately adjacent to no.10 is described as a C1860 building located to the south east corner of the square formed by the open space between the two arms of Belmont Street. It is stock brick which clads an iron/steel frame with regular tripartite timber sash or casement windows and giant order brick pilasters between each window bay terminating in a restrained brick cornice. Despite its bulk it sits comfortably in its immediate context of 19<sup>th</sup> Century three storey terraced housing which refers to its original context. The building derives architectural significance from its age, design and quality of materials and detailing. Historic and social value is derived from its age and its former manufacturing use. The appearance and significance of the building has previously been impacted upon by modern upward extensions and the installation of stacked balconies and its change of use to residential use. This includes significant expanses of powder coated metal in the retrofitting of the building to provide stacked balconies, including that immediately adjacent to the application site.
- 6.22 The delegated officer's report sets out that the proposal, by virtue of its siting, design, scale and materials finish would cause harm to the nearby locally listed buildings and quality of the townscape.
- 6.23 The proposed new railings and spiral staircase would match the existing railings and coated metal that can be found at 10 Belmont Street, including the stacked balconies that immediately adjoin the application site. The achievable long and short views of the balconies, particularly from the rear of the appeal building, will be in the context of this existing metalwork. Views from the front of the appeal property would be at best glimpsed views owing to the siting of the proposal and the verdant street planting. Many of the surrounding properties have roof terraces and balconies which include safety railing and privacy screen detailing. The additional height created by the roof terrace enclosure is modest, set back from the principal and rear elevations of the property and would be proportionate to the height of the existing building. The roof terrace and associated stair cases would not be dominant or discordant. The design and material finish of the proposed roof terrace and associated staircases would be finished in high quality materials which complement the local character and harmonise will within the streetscape, including that of the neighbouring locally listed building.
- 6.24 Relevant to the appeal proposal are that several planning permissions have recently been granted for similar steel work/metal structures to 10 Belmont Street whereby the proposed works were considered to have an acceptable visual impact. These include the following:

- In approving 4 terraces with associated balustrades and privacy screens (2019/1107/P) to the rear of the building at 10 Belmont Street building, which includes similar railings and privacy screens as that proposed, the case officer concluded:

*‘The proposed terraces would extend to the rear of this modern addition and would have little impact on the historic interest of the original building. The addition would be in similar materials and of a similar architectural character to the host building. Whilst it is acknowledged that the cumulative works to the property are numerous, the proposal has been reviewed by a conservation officer (given the locally listed nature of the host property), and it is considered that the proposed development is of an acceptable siting, scale and design and would not cause harm to the character and appearance of the locally listed building, and on balance is considered to be acceptable’.*

- A number of steel pergolas have previously been granted permission (2015/3769/P) to the 5<sup>th</sup> and 7<sup>th</sup> floors of 10 Belmont Street which by virtue of their height have a more prominent visual impact than the appeal proposal. In granting permission, the case officer concluded:

*‘The design of the pergolas would reference both the already approved design of the balcony railings, in terms of choice of materials and colour, and the industrial character of the building. At roof level, the pergolas have been reduced in size to provide more of a set back to the ends of the building to reduce their visual impact in long distance views from Belmont Street. The pergolas would sit sympathetically with both the host building and surrounding buildings and would have no adverse impact on either this Non-Designated Heritage Asset (local List) or the character and appearance of the surrounding area’.*

- Planning permission was granted (2013/7971/P) at 10 Belmont Street for the provision of balconies as amenity terraces for new flats at 1st to 6th floor levels. These balconies included black painted railings similar to the metal work proposed as part of this appeal application. In granting permission, the case officer concluded:

*‘Given the materials proposed match those of the ‘existing’ and extant external staircase, namely black painted metal, and the size, position and platform floor plate remains identical, the proposal is considered appropriate to the character and appearance of the building and the surrounding townscape’.*

6.25 Whilst, it is noted that each planning application should be determined on its individual merits, the above examples provide strong justification that the works proposed would not appear as incongruous or harmful clutter to the roofscape

or have a detrimental impact on the appearance of the host properties or the adjacent locally listed buildings and the surrounding area.

- 6.26 Finally, the COVID 19 pandemic has highlighted the importance of high-quality private amenity space, particularly for families. The existing amenity space for the properties is modest and the proposed roof terrace would therefore enhance the provision of outside amenity spaces for future residents. This is considered a significant benefit arising from the development.
- 6.27 By virtue of the nature of the proposal, discrete location, its high-quality design and material finish and its diminutive scale, the proposal would preserve significance and the setting of the nearby non-designated heritage assets. The proposal is in line with the aspirations of Policy D1 and D2 of the Camden Local Plan 2017.

## **7.0 SUMMARY AND CONCLUSION**

- 7.1 The LPA consider that the appeal proposal would create a sense of enclosure, loss of outlook, unacceptable disturbance, loss of daylight and loss of privacy to the ensuite bathroom windows and balcony of flat 5 at 10 Belmont Street. The LPA also consider that the proposal by virtue of its siting, design, height, bulk and materials would harm the character and appearance of the locally listed buildings and the surrounding area.
- 7.2 As set out in this statement, the proposed has been designed to prevent adverse outlook, privacy and light impacts arising and would not result in abnormal disturbances arising above that of the use of the existing amenity areas in the locality. The proposal would not give rise to adverse neighbour amenity impacts.
- 7.3 The proposed railings, staircase and privacy screening respond positively to the materials finishes in the locality including that of the adjoining locally listed building. The proposal is modest in scale and would assimilate well in the streetscape, preserve the setting of the nearby locally listed buildings and contribute positively to the character of the area.
- 7.4 The proposal provides high quality amenity spaces for existing family dwellings with modest private amenity arrangements. This is a significant benefit arising from the development.
- 7.5 In summary, the proposed development fulfils the three dimensions of sustainable development, as defined by the NPPF. The proposed development is in accordance with the adopted Development Plan and the Inspector is respectfully requested to allow the appeal.