



Planning Solutions Team

Date: 03/09/2021  
 Our ref: 2021/3256/PRE  
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Planning and Regeneration  
 Culture & Environment  
 Directorate  
 London Borough of Camden  
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Dear Takeshi Hayatsu

Re: 19 Belsize Square, London NW3 4HT

[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Thank you for submitting a pre-planning application enquiry for the above property which was received on 1<sup>st</sup> July 2021 together with payment of £460.00. The advice below is based solely on the information provided by the applicant which included photos, as well as aerial and street view desktop assessment.

#### Development Description

Erection of a single storey outbuilding with associated landscaping works to front garden.  
 New timber fence hung on brick garden wall.  
 New door to plant room to lower patio.  
 New double glazed windows like for like.

The applicant has requested that the officer assess the proposed outbuilding's compliance with Class E, Part 1, and Schedule 2 of the General Permitted Development Order 2015 (as amended).

#### Site Description

This application relates to a three storey plus basement semi-detached single family dwelling house, located on the southern side of Belsize Square.

The property is located within the Belsize Conservation Area and is not listed. The Belsize Conservation Area is subject to Article 4(2) removes permitted development rights relating to Class A, B, C, D, F and G of Part 1 Schedule 2 of the GDPO.

#### Assessment

The proposed single storey outbuilding would be assessed in accordance Class E, Part 1, Schedule 2 of the General Permitted Development Order 2015.

E.1	Development is not permitted by Class E if—
E1(a)	(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
Comment	<b>The proposed development would comply.</b>
E1(b)	the total area of ground covered by buildings, enclosures and containers within the curtilage(other than the original dwellinghouse) would exceed 50% of the total area of the curtilage(excluding the ground area of the original dwellinghouse);

Comment	<b>The proposed development would comply.</b>
E1(c)	any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
Comment	<b>The proposed development would comply.</b>
E1(d)	the building would have more than a single storey;
Comment	<b>The development would comply.</b>
E1(e)	the height of the building, enclosure or container would exceed— (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or (iii) 3 metres in any other case;
Comment	<b>The proposed development would comply.</b>
E1(f)	the height of the eaves of the building would exceed 2.5 metres;
Comment	<b>The proposed development would comply.</b>
E1(g)	the building, enclosure, pool or container would be situated within the curtilage of a listed building;
Comment	<b>The proposed development would comply.</b>
E1(h)	it would include the construction or provision of a veranda, balcony or raised platform;
Comment	<b>The proposed development would comply.</b>
E1(i)	it relates to a dwelling or a microwave antenna;
Comment	<b>The proposed development would comply.</b>
E1(j)	it relates to a dwelling or a microwave antenna;
Comment	<b>The proposed development would comply.</b>
E1(k)	the capacity of the container would exceed 3,500 litres.;
Comment	<b>The proposed development would comply.</b>
E.2	Development is not permitted in the case of any land within the curtilage of the dwellinghouse which is within
E2(a)	an area of outstanding natural beauty;
E2(b)	the Broads;
E2 (c)	a National Park; or
E2(d)	a World Heritage Site,
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	
Comment	<b>The proposed development would comply</b>
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.
Comment	<b>The proposed development would comply</b>

Please be advised that for the purpose of this application the development must be incidental to the enjoyment of the dwelling house. As such cannot be used as a separate

unit or as a self-contained dwelling. As part of your formal submission you should state clearly the use of the outbuilding in relation to the main house.

To establish the lawfulness of the proposed outbuilding, and receive formal confirmation from the Council, you should apply for Certificate of Lawful Development (proposed) via [Planning Portal](#).

#### Landscaping works

The applicant is advised that the proposed landscaping works within the front garden area would not be permitted under Class F of Part 1, Scheduled 2 of GPDO 2015 (as amended) within the context of the Belsize Park Article 4(2) direction. Therefore, planning permission would be required.

Tree Officers have assessed the proposal and all the proposed soft landscaping is considered to be of high quality design and will enhance the biodiversity of the site, which would be supported in the event of a future planning application.

In relation to the hard landscaping, the proposed Portland stone would be supported.

#### Impact on Trees

As the property lies within a conservation area, all trees on site are protected. Any works that would affect the trees would have to be supported by a separate application for tree works.

Notwithstanding the proposed outbuilding's compliance with Class E, officers are concerned that works to erect the structure would likely harm the roots of nearby mature trees within the rear garden area. With regards the impact on nearby trees, it is not possible to fully assess the scheme from an arboriculture perspective without a full arboricultural report including impact assessment in line with BS5837:2012. There appears to be two mature trees, on and near the site which are of high amenity value and of local historical significance.

Officers are concerned that the development would be within the root protection areas of both trees given that the proposed outbuilding would be sunken down. The roots of the mature TPO trees should have informed the design and position of the proposed outbuilding. A dead sycamore and a young presumably alive sycamore are referred to in the design and access statement, and if you wish to remove these, you are advised to submit a s.211 application Conservation Area Tree works notification to fell the young sycamore, assuming its over 75mm in diameter at 1.5m above ground level and a 5 day emergency tree works notice to fell the dead sycamore.

#### Proposed Fence

The proposed fence is assessed in accordance with Class A of GPDO 2015, Part 2, Schedule 2.

As this would be over 2m, this would require planning permission.

A.1 The development is not permitted by class G if:

*b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2m above ground level;*

*c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered, would as a result of the development exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate if erected or constructed, whichever is the greater.*

Given the proposed resulting height of 2.4m and solidity which has the characteristics of a fence on top of the brick wall, this would appear to reduce the openness of the host garden setting and of neighbouring ones. The rear gardens of the application site and neighbouring ones are visible from Lancarster Dr which contributes to the character and significance of the area. This could be harmed by high level solid structures along the boundaries and therefore the proposal in its current form would not be supported in the event of a future planning application. You should explore a more see-through structure of a lower height, such as trellis that can allow plants to grow on.

In relation to the impact on neighbouring amenity, given the position and location of the proposed fence is unlikely to result in harmful loss of light or privacy to neighbouring properties. In terms of outlook the proposed positioning and location of the fence as well as its solidity might diminish neighbouring outlook at no18.

#### Alterations to the façade

You are advised that the installation of a new side elevation door at lower ground level would not be permitted under Class A of Part 1, Schedule 2 of GPDO 2015 within the context of the Belsize Park Article 4(2) direction. Therefore, planning permission would be required.

The proposed side elevation door would allow access into a proposed under stairs utility room. Officers note that the stair's side elevation is partially visible from the public realm and therefore consideration should be given to the type and appearance of the door. The door should be solid wood in keeping with the appearance of the host building. You should be mindful of the height of the door to allow ease of access.

The proposed lower ground floor plan shows a plant in the utility room which may require an external flue. This alteration would require planning permission as is not permitted under Class G of schedule 2 part 1 of the GPDO 2015, in the context of the Article 4(2) direction and as:

The development is not permitted by Class G if:

*in the case of a dwelling house on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—*

*(i) fronts a highway, and*

*(ii) forms either the principal elevation or a side elevation of the dwelling house.*

### Replacement of windows

In the email dated 25.08.2021 you mentioned that you are looking to replace the existing windows with double glazed ones, like for like. Please note that like for like replacement would not be considered development and therefore planning permission would not be required as long as the following elements would be maintained as existing:-

- Shape and dimensions of window opening;
- Frame material and dimensions to include frame profile width and depth;
- Fenestration pattern, to include the layout/pattern of glazing bars;
- Size and placement of structural glazing bars;
- Opening method, such as sliding sash, outward or inward opening casement window, tilt-and-turn etc.
- If your property is in a Conservation Area you are encouraged to consider Historic Glass.
- You are also encouraged to restore of original features if appropriate.

For more information please see Home Improvements CPG 3.1.

If the proposed replacement windows would not comply with points above, then planning permission would be required, in the context of Article 4(2) directions.

### Recommendations and conclusion

You are advised that the following alterations are undertaken prior to the submission of a future planning application:

- The proposed outbuilding appears to be permitted development in compliance with Class E, but you should apply for a Lawful Development Certificate to receive formal confirmation from the Council.
- Given the nature of the proposed works in the rear garden, consideration must be given to the impact on trees, therefore it is recommended that you seek an arboricultural assessment before carrying out any works.
- The proposed fence with its current form, density and scale would not be supported as it restricts the openness of the garden setting and neighbouring ones. You should consider a lower height and a more see-through option which allows plants to grow on.
- The proposed soft and hard landscaping to the front garden would be supported in the event of a future planning application.
- The proposed door to lower ground floor level to access room under the stairs should be supported subject to it fitting within the character of the house and its modest position.
- If the plant room would require the installation of a flue to the front elevation this should be located away from direct views and of small dimensions. Planning permission would be required.
- Proposed replacement windows with double glazing would not be considered development as long as they are like for like and maintain the existing characteristics of the existing windows.

In relation to the proposed landscaping these should be acceptable based on the information provided and the proposed door should be acceptable in principle based on the details provided at applications stage.

Please see appendix 1 for supplementary information and relevant policies.

Thank you for using Camden's pre-application advice service; I trust this is of assistance in progressing your proposal.

**Please Note: This document represents an initial informal officer view of your proposal based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.**

Yours sincerely,

Sonia Cupid  
Planning Technician  
Planning Solutions Team

## **Appendix 1:**

### Relevant Constraints:

Belsize Conservation Area

Article 4 Direction Belsize Conservation Area

### Relevant History:

No relevant records at the application site.

### Relevant policies and guidance:

**National Planning Policy Framework (2019)**

**The London Plan March 2016**

**Camden Local Plan (2017)**

A1 - Managing the impact of development

A3 – Biodiversity

D1 - Design

D2 - Heritage

CC1 – Climate change mitigation

CC2 – Climate change adaptation

**Camden Planning Guidance 2020**

CPG Design

CPG Home Improvements

CPG Amenity

CPG Trees

CPG Biodiversity

**Belsize Conservation Area Statement (2003)**

### Planning application information:

The following documents should be included with the submission of a householder planning application:

- Lawful Development Certificate (Proposed) form completed
  - The appropriate fee
  - Location Plan (scale 1:1250)
  - Site Plan (scale 1:200/1:500)
  - Floor plans (scale 1:100) labelled 'existing' and 'proposed'
  - Elevations and sections (scale 1:100) labelled 'existing' and 'proposed'
  - Note which includes details of how the trees would not be affected by the proposed development and/or confirmation of Conservation Area Tree Works approved.
- Completed Householder's Planning Application
  - The appropriate fee (£407.00)
  - Location Plan (scale 1:1250)
  - Site Plan (scale 1:200/1:500)
  - Floor plans (scale 1:100) labelled 'existing' and 'proposed'
  - Elevations and sections (scale 1:100) labelled 'existing' and 'proposed'
  - Design and Access statement to include site photos.

Please see the following link to supporting information for planning applications

<https://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/making-an-application/supporting-documentation--requirements-/>

We are legally required to consult on applications with individuals who may be affected by the proposals. We notify neighbours by displaying a notice on or near the site and placing an advert in the local press. We must allow 21 days from the consultation start date for responses to be received. We encourage you to engage with the residents of adjoining properties before any formal submission.

Non-major applications are typically determined under delegated powers. However, if we receive three or more objections from neighbours, or an objection from a local amenity group, the application will be referred to the Members Briefing Panel if officers recommend it for approval. For more details click [here](#).