



Planning Appeal

No. 5 Belsize Park Mews, Camden, NW3 5BL

Application Reference 2021/3864/P

Statement of Case

January 2022

Contents

1. Introduction.....	3
1.1 Case Particulars.....	3
1.2 Site and Context.....	3
1.3 Relevant Planning History.....	4
2. Grounds for Refusal.....	6
2.1 Reason 1.....	6
2.2 Reason 2.....	7
2.3 Reason 3.....	8
3. Representations	12
3.1 Reporting of Representations	12
3.2 Response to Representations	12
4. Similar Proposals	14
4.1 Belsize Park Mews Development Case Studies.....	14
4.2 Case Study: 3 Belsize Park Mews	14
4.3 Case Study: 9 Belsize Park Mews	15
4.4 Summary of Case Studies.....	15
5. Conclusions.....	16
5.1 Summary of Case	16
Appendix A	17
Summary of Representations	17
Contact	23

1. Introduction

1.1 Case Particulars

This statement of case has been prepared to support the householder planning appeal for an amended application for a proposed roof extension and external works to rear and front elevations to No. 5 Belsize Park Mews in Camden. The proposal comprises a roof extension to a two-storey mews house. The previous planning application reference was 2021/0706/P.

The following table lists the key dates related to the application:

Milestone	Date
Submitted	11/08/2021
Application Registered	23/09/2021
Consultation Period Closed	24/10/2021
Decision	05/11/2021

The application was refused on the following grounds:

1. The proposed front and rear ground floor windows by reason of their siting, scale, and detailed design, would appear as visually obtrusive and incongruous on both elevations, harming the character and appearance of the host building, terrace and the wider conservation area. It is therefore contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017.
2. The proposed rear roof terrace, by reason of its siting and scale, would result in potential close overlooking and loss of privacy to 4 Belsize Park Mews contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
3. The proposed ground floor rear windows, by reason of their siting on the boundary, scale, and detailed design would result in the sense of overlooking, loss of privacy and potential noise disturbance to 5 Belsize Crescent contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

1.2 Site and Context

The property forms part of Belsize Park Mews. No. 5 is located on the northern side of the mews development and is part of a terrace of properties. The site lies within the Belsize Conservation Area. It is within the Belsize Character Area, identified in the Belsize Conservation Area Statement.

The properties within the mews are typically two-storey or three-storey. Many of the former two-storey properties have had roof extensions added, to make them three-storey.

No. 5 is the only property on the northern side not to have developed the roof space. Other properties have additional floors, some set-back, or roof terrace spaces. There is a clear precedent for this form, scale and type of development within the mews.

1.3 Relevant Planning History

The relevant planning history for this site commences with a withdrawn planning application reference 2021/0706/P. The application was submitted on the 15/02/2021, registered 01/04/2021 and withdrawn on the 28/05/2021. This was on the advice of the case officer who emailed the planning agent on the 27/05/2021, indicating that the scheme was proposed to be refused, so withdrawal as an option.

Below is an extract from the email giving the proposed grounds for refusal:

“The Council will be refusing this application on the following grounds:

- *Extensions in terms of their scale, siting and detailed design harm the character and appearance of the host property, terrace and CA contrary to policies D1 and D2 of the Camden Local Plan*
- *Loss of light to properties in Belsize crescent contrary to policy A1.*
- *No S106 legal agreement to secure a CMP and its monitoring fee*

No revisions will be accepted.”

(Sofie Fieldsend, Senior Planning Officer, Camden Council, 27/05/2021)

Following the decision to withdraw, the applicant positively addressed each of the grounds identified, resulting in this current scheme. Each of these issues are addressed in the planning statement submitted with this planning application.

The following is a summary of the scheme revisions, designed to address the issues raised by the case officer:

Roof Terrace:

- Moved the internal staircase and light lantern to the other side;
- Reduced the overall scale from 27.5sqm to 25sqm of internal area;
- Altered the roof design to reduce any impact on light to No4;
- Introduced roof planters that will add to biodiversity and act as a SUDs.

Front Elevation:

- Re-sited the front door to the original position;
- Replaced garage door with window details to reflect the original garage door aperture, maintaining the original balance of original openings; and
- Altered the front elevation fenestration to correlate between the ground and first floor.

Rear Elevation:

- Removal of two proposed skylights to the rear roof terrace, then being replaced with frosted glass wall;

- Reducing the scale and mass of the rear roof terrace element;
- Reducing the scale and mass of the rear first floor element;
- Inserting a 1.8m trellis as further privacy screen to the small terrace and made the windows frosted glass;
- Removal of the first-floor windows on the boundary to prevent amenity issues to properties in Belsize Crescent; and
- Reduced 3 high level windows at second floor into one window to further protect amenity.

The amended design was then subject to a daylight, sunlight and overlooking assessment to ensure compliance with national standards and local plan policy. This report was also submitted to support the revised application.

The findings of this report were shared with residents in Belsize Crescent, who had appointed a surveyor to comment. No comments were received, and the revised application was submitted.

2. Grounds for Refusal

For the purpose of this statement each ground for refusal is shown in blue italics, and then addressed in the text following.

2.1 Reason 1

The proposed front and rear ground floor windows by reason of their siting, scale, and detailed design, would appear as visually obtrusive and incongruous on both elevations, harming the character and appearance of the host building, terrace and the wider conservation area. It is therefore contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017.

Ground Floor Front Elevation: The design of the ground floor front elevation windows remained the same as in the previous application (for which it was not sited as an issue to address). They have been altered in position to reflect the existing apertures on the elevation. Part of the character of Belsize Park Mews is that each property has a unique front elevation, with a broad range of materials, fenestration and detailing. The principle for replacing garage doors with windows as proposed is also well established within Belsize Park Mews.

Ground Floor Rear Elevation: The proposed rear ground floor windows were designed to open inwards for ventilation and are obscure glaze. These were also designed above eyeline to further protect neighbour amenity.

Furthermore, in recent correspondence with the case officer, this was not cited as an issue. The following text is extracted from the latest email prior to receiving the decision notice the following day.

“Thank you for the quick response.

Your application has been reviewed and while it does address some of the concerns raised in the withdrawn application. The Council still has design concerns about the 1st floor rear balustrade which doesn't seem like it can be overcome without creating an amenity issue so it is contrary to Policies D1 and D2 of the local plan, also the roof terrace allows for overlooking into No.4 Belsize Park Mews contrary to Policy A1. Therefore your application has been written up for refusal and the Council hope to have your decision issued by the end of the week. An agreement to extend the application deadline until the 5th Nov would be appreciated.”

(Sofie Fieldsend, Senior Planning Officer, Camden Council, 04/11/2021)

This clearly shows the case officers areas of concern. The aforementioned ground for refusal is not one.

2.2 Reason 2

The proposed rear roof terrace, by reason of its siting and scale, would result in potential close overlooking and loss of privacy to 4 Belsize Park Mews contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

The delegated report does not define 'close overlooking' in relation to No. 4 Belsize Park Mews. The following images make clear that any potential overlooking could only be into the stair and lightwell of to No. 4 Belsize Park Mews, which is used to access the roof terrace.

In the representations by the occupiers of No. 4 Belsize Park Mews, objection was made on the grounds the development would create overlooking into the lightwell and subsequent spaces on the first and ground floor. There were no accurate plans submitted to support this material consideration. It is unclear from the images how overlooking directly into the light well and then into any principal rooms is possible.

Submitted plan reference 1005(PLA)112 Proposed Second Floor Plan demonstrates that the rear roof terraced could only be accessed by a single door for maintenance purposes. It is not the intention to use this space for amenity reasons.

A condition could be imposed to require the proposed door to have obscure glazing, should the inspector be able to validate the claims made in the representation. There are no other proposed apertures on the elevations adjacent to the stair/lightwell.



View from the boundary of Nos. 4 and 5 Belsize Park Mews



View of the Stair and Lightwell at No. 4 Belsize Park Mews with the indicate degree of setback marked in red.

2.3 Reason 3

The proposed ground floor rear windows, by reason of their siting on the boundary, scale, and detailed design would result in the sense of overlooking, loss of privacy and potential noise disturbance to 5 Belsize Crescent contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

We do understand that this application was determined during unprecedented times with Covid-19 restrictions, and it may not have been possible to undertake a site visit.

The reason for refusal is based upon representations, rather than the reality of the situation. The following image demonstrates the current outlook into the garden of No. 5 Belsize Crescent. The yellow box indicates the approximate location of the proposed rear ground floor windows in the existing wall. It is clear from the image that there is no overlooking, owing to the garden structure and trellis.



View looking into rear of No. 5 Belsize Crescent from development site. The yellow box indicates the siting of the proposed high-level windows.

The rear ground floor is proposed as a dining room. This is a typical use within a dwelling house. Therefore, the argument that noise generated would fail to meet the policy requirements is unreasonable.

There is approximately 10.5m between the rear of No. 5 Belsize Crescent and the rear of No. 5 Belsize Park Mews. The noise of the dining room would only be apparent if the windows were open and would be a typical level of noise from residential properties.

As the following images clearly demonstrate the seating area of No. 5 Belsize Crescent is some 8 metres from the boundary of the proposed development. Between the seating area within the garden and the proposed window there is a variety of mature landscaping and shrubs and a water feature, together with a garden shed that further screen the windows. Collectively these help to mitigate any household noise generated.

The following images clearly demonstrate that the proposal as made clear in the planning statement and within this document is not contrary to policy A1 Managing the impact of development.



View looking into rear of No. 5 Belsize Crescent from 1st floor of the development site.



View from rear of No. 5 Belsize Crescent, looking towards development site.

3. Representations

3.1 Reporting of Representations

Appendix A of this statement includes the complete list of representations made, shown in chronological order on Camden's planning portal.

There were a total of 11 representations made. The 'consultations' section of the case officer report notes only 6 responses received and all as objections. It goes on to summarise the responses under the themes amenity, character and other.

At no point does the report make reference to, or acknowledge, that the application was supported on design and other grounds. This gave an unbalanced picture of the consultation responses received.

3.2 Response to Representations

The following table responds to the representations made in respect of the application.

Ref	Consultee	Response
01	James Laderman	Comments noted, supporting the scheme.
02	Conservation Area Advisory Committee	<p>Commented noted about illustrating the relationship on elevations to existing neighbouring properties. To confirm these details where appropriate are clearly indicated on all elevations of the submitted plans.</p> <p>Aluminium windows are already present within the Mews. These are the proposed materials to replace white UPVC which is inappropriate within the conservation area.</p> <p>The glazed elements are not considered to create an excessive contribution to light pollution. Within close proximity to the site there are a number of properties with larger or similar scale glazed proportions.</p>
03	Susanne Drayson (adjoining neighbour)	Comments noted. In section 2 of this statement, we address the material considerations raised in the representation. It is also noted there is no technical information to support the issued raised.
04	Unknown	There are no comments to respond to.

05	Barbara Jackson, Garden Flat 5A Belsize Crescent	Comments noted. In section 2 of this statement, we address the material considerations raised in the representation.
06	Lionel Cohen 15 Belsize Park Mews	Comments noted supporting the proposal in addressing a building in disrepair, enhancing the conservation area and appearance of the mews.
07	Dror Appel	Comments noted supporting the proposal and commending the high quality design.
07	Gillian English basement flat of 7 Belsize Crescent	<p>The material considerations have previously been addressed in section 2 of this statement or in section 4. In addition to these material considerations the issue of the development towering above the properties in Belsize Crescent is not an accurate reflection of the design proposal.</p> <p>The development respects the natural topography of the site ensuring that it is set lower than the neighbouring property reflecting the topography. Nor is it the largest scale roof terrace development within the mews.</p> <p>This is a modest roof terrace it is not considered to be overly dominant in terms of scale, siting or massing.</p>
07	Elena Hofmann	<p>Many of the comments made have previously been addressed in section 2 of this statement. In addition to these points, concerns about the replacement of obscure glaze sections in the future could easily be addressed through appropriate planning conditions.</p> <p>There is no direct overlooking from habitable rooms. Any windows adjacent are obscure glaze or appropriately screened to protect the amenity of all residents.</p> <p>This is an urban area with considerable light pollution owing to its location. It is not considered that the design proposal would exacerbate light pollution to a serve degree.</p> <p>The design proposal is similar to other recent developments within the mews.</p>
07	Netta Imber	Comments noted supporting the proposal and the sympathetic design.
08	Pamela Cooper 39 Swains Lane	This representation is attached to the application file in error. It does not relate to this application and should be removed.

4.3 Case Study: 9 Belsize Park Mews

Appeal reference APP/X5210/D/13/2204613 was allowed for the following:

“The appeal is allowed and planning permission is granted for erection of additional floor at second floor level to include green roof, 2 x roof lights to rear roof slope and 2 x balustrades to front elevation of single dwelling house (Class C3) at 9 Belsize Park Mews, London, NW3 5BL in accordance with the terms of the application, Ref 2013/2506/P, dated 29 April 2013, and the plans submitted with it, subject to the conditions set out in the attached schedule.”

On the same side of the mews, this set the precedent for a larger scale roof extension than the one currently proposed, with a significant increase in the amount of glazing. The design and fenestration do not reflect any existing character, introducing a new design character/style.

The appeal decision notes that:

“The appeal property forms one of 15 mews houses, all of which, according to the Council, have been altered over recent years in terms of their appearance. During my site visit, I noted that at roof level, the majority of these houses had either been extended, or had terraces and related paraphernalia.”

4.4 Summary of Case Studies

These case studies demonstrate a clear precedent for:

- Similar scale and siting of a roof terrace;
- Introduction of additional glazing to front and rear elevations;
- Creating additional living accommodation within the plot;
- Converting garage into flexible living accommodation; and
- Not having a detrimental impact on the amenity of residents by virtue of the siting, scale or design of the consented works.

5. Conclusions

5.1 Summary of Case

The proposed development is not considered to have a detrimental impact on the amenity of residents or on the character or appearance of the Conservation Area. The following points summaries the key issues raised previously:

- The proposed front and rear ground floor windows are not visually obtrusive and incongruous, as demonstrated. They have been designed to protect the amenity of residents, enhance the appearance of the building and replace UPVC with aluminium frames, reversing the previous harm caused to the character of the Conservation Area.
- The rear of the roof terrace by reason of its siting and scale, does not result in overlooking and loss of privacy to No. 4 Belsize Park Mews.
- The proposed ground floor rear windows are not detrimental to the amenity of No. 5 Belsize Crescent. The potential noise disturbance from the proposed dining room area is little different to the existing residential use of the property.
- The representations were not accurately reported or considered by the case officer, as demonstrated in the report.
- There is a clear inconsistency of advice and reasoning from the case officer in this and previous applications.
- This is sustainable development that complies with national and local plan policy and preserves or enhances the character and appearance of the Conservation Area.

Appendix A

Summary of Representations

The following table presents the representations as shown in chronological order on Camden's planning portal.

Ref	Date Submitted	Consultee	Representation
01	27/09/2021	James Laderman	The proposed works will be a positive contribution to the mews and wider area. The design is sympathetic to the character of the building and will enhance the visual aesthetics.
02	01/10/2021	Conservation Area Advisory Committee	<p>Objection: Yes Observations: OBJECTION Existing drawings of the application building and its neighbours should be included for comparison.</p> <p>Timber rather than aluminium frames should be specified. The amount of glazing is excessive and will generate an unacceptable level of light pollution.</p>
03	09/10/2021	Susanne Drayson (adjoining neighbour)	I live next door to 5 Belsize Mews and will be seriously impacted by the proposed development. The statement contained on page 9 of the planning statement is inaccurate as an assessment of the impact on my property. The proposed extension will have an adverse affect on my property. Moreover, it is highly misleading to claim that the result would be indiscernible and to make a claim based on BRE criteria when there is an obvious interference with my right to light and my right to privacy. The proposed scheme will have an adverse affect on my property in a number of ways which are detailed below: (1) Considering the 3D projection from the rear: The only light source at the back of the house comes from a light-well which provides natural light to the ground and first floor of my property. The light is further limited because of the effect of a two story property in Burdett Mews that backs onto the light-well. I currently

			<p>depend upon the light originating from the west of my property. It will be obvious from the projection that the T-shaped construction in white comprising solid walls adding to the existing roof on number 5 interferes with the natural daylight currently available to my property. At the moment, light shines down the light-well into my property. This can be seen as the glass well light cover illustrated in blue. There can be no question that the introduction of the new walls will interfere. See the photographs attached which illustrate this effect. (2)</p> <p>The second reason for the objection to this development is that it interferes with my privacy in two ways in particular. Anyone standing in the area next to my light well cover can see directly into my property down to the ground floor level in the Living Room, Dining area and study, and into my bedroom on the first floor. The side and rear glass wall next to the party wall would be located next to my bathroom skylight which is see-through and it would therefore compromise my privacy. Given the extremely intrusive impact of the proposed development on my property, I would welcome a visit by a planning officer.</p>
04	27/10/2021	Unknown	No text just an ariel image
05	28/10/2021	Barbara Jackson, Garden Flat 5A Belsize Crescent	<p>Unable to copy representation. Summary of points include:</p> <ul style="list-style-type: none"> • Over intensification of the site • Sense of enclosure • Overlooking, privacy and outlook • Loss of light • Separation between buildings • Planning heritage design • Further comments
06	03/11/2021	Lionel Cohen 15 Belsize Park Mews	<p>I have lived opposite 5 Belsize Park Mews for the last 15 years. The property has been in disrepair for a long time and has become an eyesore in what could be a beautiful mews.</p> <p>Having taken the time to review the planning application, iam in full support. I</p>

			believe the architectural design and front fenestration alterations will improve the property and aesthetics of the mews/surrounding area. The erection of a single storey roof extension has been cleverly designed and it is not intrusive of neighbouring properties. I have no objections to this planned extension.
07	03/11/2021	Log of 6 representations, some previously listed.	
07	03/11/2021	Dror Appel	A well designed and thoughtful proposal. In line with similar approved roof extensions already existing within the mews. Exceptional high level of design.
07	03/11/2021	Gillian English basement flat of 7 Belsize Crescent	I live in the basement flat of 7 Belsize Crescent and the main reasons for objecting to this planning application are the same as before: the sense of enclosure and overlooking. The argument that all the other houses in Belsize Park Mews have now added another layer and therefore no5 should be allowed to do this as well simply does not apply, because of the factor of the high wall of Burdett Mews looming directly over the gardens of nos 5 and 7 Belsize Crescent. The houses further up Belsize Crescent have low garden walls on each side, rather than a huge brick wall on one side of their garden, as in the case of 5 and 7 Belsize Crescent. Any extra layer added to no5 Belsize Park Mews will significantly accentuate the sense of enclosure which we already experience at 5 and 7 Belsize Crescent. I am emailing a photo to the planning officer which I will ask to be attached to these comments which shows the height of the wall of Burdett Mews, as this does not come across accurately in the planning application documents. I strongly recommend that the Planning Officer comes and visits the garden of 5 Belsize Crescent to understand and experience for herself the sense of enclosure already created by that high wall, which will be made even worse if 5 Belsize Park Mews is

		<p>allowed to go ahead. We are in a unique position because of the Burdett Mews wall and that needs to be taken into account rather than simply quoting planning regulations. The gardens of both 5 and 7 Belsize Crescent will lose more light through this development.</p> <p>Although the sunlight report claims the loss of light falls within allowed limits, it needs to be recognised that we already lose a massive amount of light because of the Burdett Mews wall. Therefore we should not be further penalised by further loss of light when we are already losing so much. The shower room still has a solid wall and flat roof so this means from our perspective at 5 and 7 Belsize Crescent the roof will still be very prominent and towering above us like a high tower with a solid wall. The shower room should have a sloping roof on both sides as this would not block as much light and would be more in keeping with the other buildings in the mews which back on to Belsize Crescent. The Heritage Statement says developments are likely to be rejected if the roof is prominent, particularly in long views, but this document makes no reference at all to the rear view from Belsize Crescent and the shower room roof will be extremely prominent for us in 5 and 7 Belsize Crescent. The other key objection is overlooking of 5 and 7 Belsize Crescent. If the development is allowed to go ahead, the flat roof at the rear needs to be designated as not to be used for enjoyment or further development in perpetuity. Otherwise we will have people looking down directly into our gardens and back bedrooms at 5 and 7 Belsize Crescent. The glass roof in the lightwell has been purposely designed to act as a balcony or mini-terrace leading off the main bedroom. There is a sliding door in the wall of the main bedroom leading on to the walk on glass floor which is not explicitly shown in the plan but which was confirmed by the agent when we spoke to her. This glass door looks straight into my</p>
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			<p>garden at 7 Belsize Crescent and will be a direct invasion of my privacy. The plans therefore intend for the glass floor to be actively used as a terrace, which means there will be people sitting out there on the glass flat roof directly behind the garden of 5 Belsize Crescent, overlooking it. The trellis will therefore need to be quite high and dense to ensure privacy for 5 Belsize Crescent, which will negate any benefit from the light reflective paint which will be painted on the wall behind. The trellis will further increase the sense of enclosure and overlooking at the bottom of the garden of 5 Belsize Crescent, in addition to the increased sense of enclosure from the added height of this development and the existing wall of Burdett Mews. The 3D drawing showing this trellis is not accurate in showing the height of the wall under the trellis. In reality that wall - and therefore also the trellis - will be much higher. Again, I strongly urge the planning officer to come to 5 Belsize Crescent and experience the situation for herself - the plans and especially the 3D drawings simply do not adequately reflect the degree of overlooking and enclosure that will be created for 5 and 7 Belsize Crescent. Please note that this is still a developer posing as a Householder Application.</p>
07	03/11/2021	Elena Hofmann	<p>I live on the elevated ground floor flat of 5 Belsize Crescent. I strongly object to the proposed development at 5 Belsize Park Mews on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposal includes a single story roof extension with an extensive roof terrace at the rear, which would create a strong sense of enclosure and a feeling of being boxed in when looking out of the windows. 2. The roof terrace, accessible from the master bedroom, and the multiple windows would mean residents at 5

			<p>Belsize Park Mews can look in my bedroom and home office. Any obscure glass could be easily exchanged. My flat, in particular my bedroom, would be overlooked and it would create loss of privacy.</p> <p>3.To ensure privacy, according to CPG6 a minimum of18m between the windows of habitable rooms is advised. I understand in my case this distance would only be about 9 to 10 metres.</p> <p>4.At night, there is potential for considerable light pollution consequent to the proposed extensive use of glass at the rear elevation, in addition to potential for noise.</p> <p>5. Other similar applications for developments in Belsize Park Mews have previously been rejected on the grounds of loss of privacy and light, and the overbearing effect.</p>
07	03/11/2021	Netta Imber	A quality design that will enhance the character of the mews. Very sympathetic plan which corresponds to other consented scheme's within the mews.
08		Pamela Cooper 39 Swains Lane	This appears to be an error on the case file. The representation does not match the description or location for this proposed development.

Contact



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