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## Appeal Decision

Site visit made on 8 February 2022

**by Oliver Marigold BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> February 2022.**

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**Appeal Ref: APP/X5210/D/22/3290259**

**5 Belsize Park Mews, London, NW3 5BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bauhaus Developments against the decision of London Borough of Camden.
  - The application Ref 2021/3864/P, dated 10 August 2021, was refused by notice dated 5 November 2021.
  - The development is proposed roof extension and external works to rear and front elevations.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are the effect of the proposal on:
  - The living conditions of occupiers of 4 Belsize Park Mews and 5 Belsize Crescent, and
  - The character and appearance of the Belsize Conservation Area (CA)

### Reasons

*Living conditions of occupiers of 4 Belsize Park Mews and 5 Belsize Crescent*

3. As part of the proposed extension to the roof of the appeal property, an enclosed flat roof area is proposed at second floor level, accessed through a door from the landing.
4. The enclosed area would be immediately adjacent to the roof conservatory of number 4 Belsize Park Mews. The conservatory contains a staircase from the floor below. From my visit and the evidence before me, I saw that views from the proposed enclosed area into the conservatory, and down into number 4 itself, would be available. This would result in a loss of privacy, harming the living conditions of occupiers of this property.
5. It is stated that the appellants do not intend to use the enclosed space for amenity purposes and that the door to this area would be for maintenance, obscure glazed if necessary. However subsequent occupiers may choose to use the space more actively as a terrace, in which case obscure glazing would have little effect. I have also considered whether use of the door or area could be restricted in other ways by condition, but this would be very difficult for the

Council to enforce against in practice. The harm to number 4's living conditions could not therefore be overcome by the suggested condition.

6. The proposed rear ground floor window would be immediately adjacent to the boundary with the rear garden of number 5 Belsize Crescent. The window would face directly towards the garden and be openable, but is positioned at a high level, preventing any actual overlooking into the garden.
7. Nevertheless, Camden's Supplementary Planning Guidance 'Amenity' January 2021 ('the Amenity SPD') notes that gardens at the rear of residential buildings are particularly sensitive in respect of privacy. The proposed window would be an intrusive presence to those using the garden, giving a perception of overlooking. Furthermore, while accepting that noise from the dining room would be that of a typical dwelling, given the close relationship this too would be harmfully intrusive, particularly if the window was open.
8. The window's position within the existing rear wall (currently serving a well) means that only a trellis and shed in number 5 Belsize Crescent's garden would provide screening. These structures would not fully mitigate the window's effects however and there is no guarantee of their retention in the long term.
9. I recognise that the properties are within a densely built-up area, where a degree of mutual overlooking is not unusual. I have also taken into account the case studies of other roof terraces within the Mews, and the previous application at the appeal site. Nevertheless, I have considered the proposal on its own merits.
10. I conclude that the proposal would have a significantly harmful effect on the living conditions of occupiers of 4 Belsize Park Mews and 5 Belsize Crescent, contrary to policy A1 of the London Borough of Camden Local Plan 2017 and its requirement that the amenity of neighbours is protected. For similar reasons it would also be contrary to the Amenity SPD and the National Planning Policy Framework ('The Framework').

#### *Character and appearance of the Belsize Conservation Area*

11. The CA is centred on Belsize Park and Belsize Village, with the appeal site being within the distinctive Mews Area part of the Village. This consists of two- or three-storey mews terraces, fronting directly onto narrow streets or courtyards, one of which is Belsize Park Mews. Number 5 is a mid-terraced property and although it has no particular architectural merit, it forms part of the overall group within the mews. As such, it has a neutral contribution to the CA's character and appearance.
12. It is proposed to replace the existing uPVC windows and doors to the front with aluminium glazing, at full height at ground floor level. The Council says that fenestration within the mews has a large solid-to-void ratio which the proposal would unbalance. I have also taken into account the Belsize Conservation Area Advisory Committee's comments seeking timber frames.
13. On my visit however, I found considerable variety in the form, materials and detailing of front elevations within the mews. Each has its own particular design, and some have extensive ground floor glazing. In this context I do not consider that the proposed fenestration would appear out of place, unbalanced or disproportionate.

14. In respect of the proposed rear ground floor window facing 5 Belsize Crescent, although I have found harm to that property's living conditions from the window, it would not be visible from public viewpoints, and nor would it be incongruous or obtrusive to the CA.
15. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. For the reasons given above, I find that the proposal would have a neutral effect on the significance of the designated heritage asset. I conclude that it would not result in harm to the character or appearance of the building, mews or the CA as a whole and as such would comply with policies D1 and D2 of the Camden Local Plan 2017 and the Framework in this respect.

### **Conclusion**

16. I have found that the proposal would not harm the character or appearance of the CA. However, because of the harm to the living conditions of occupiers of 4 Belsize Park Mews and 5 Belsize Crescent, I consider that the balance of considerations is against the appeal proposal.
17. Having regard to the development plan as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

*Oliver Marigold*

INSPECTOR