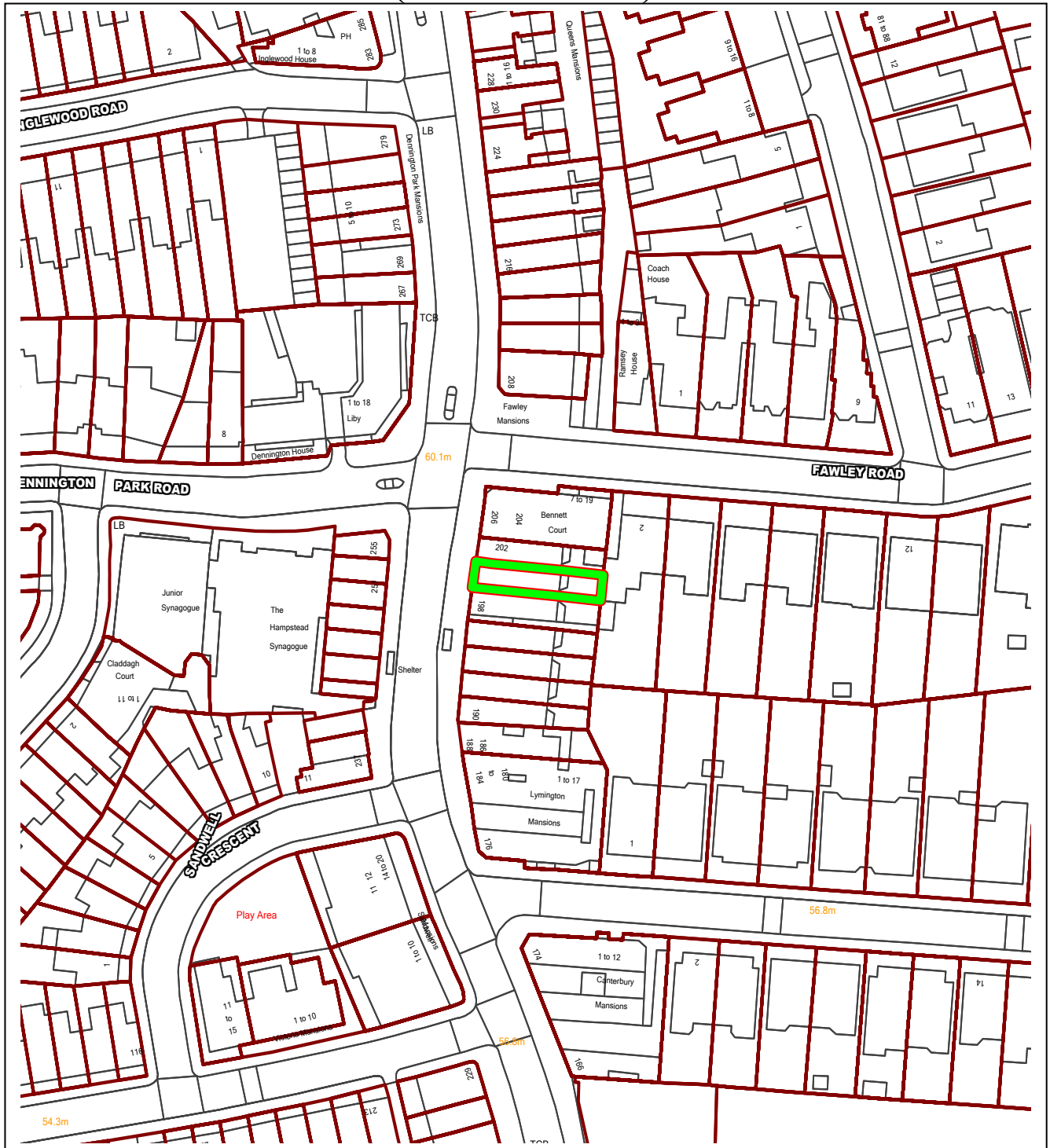
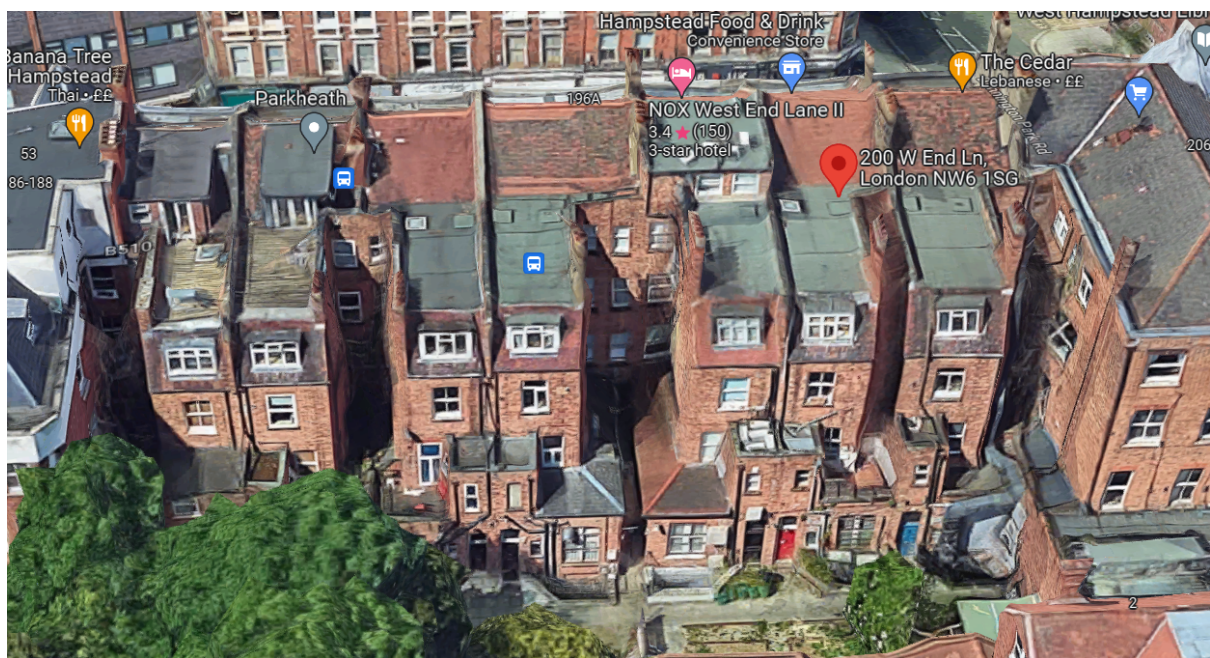


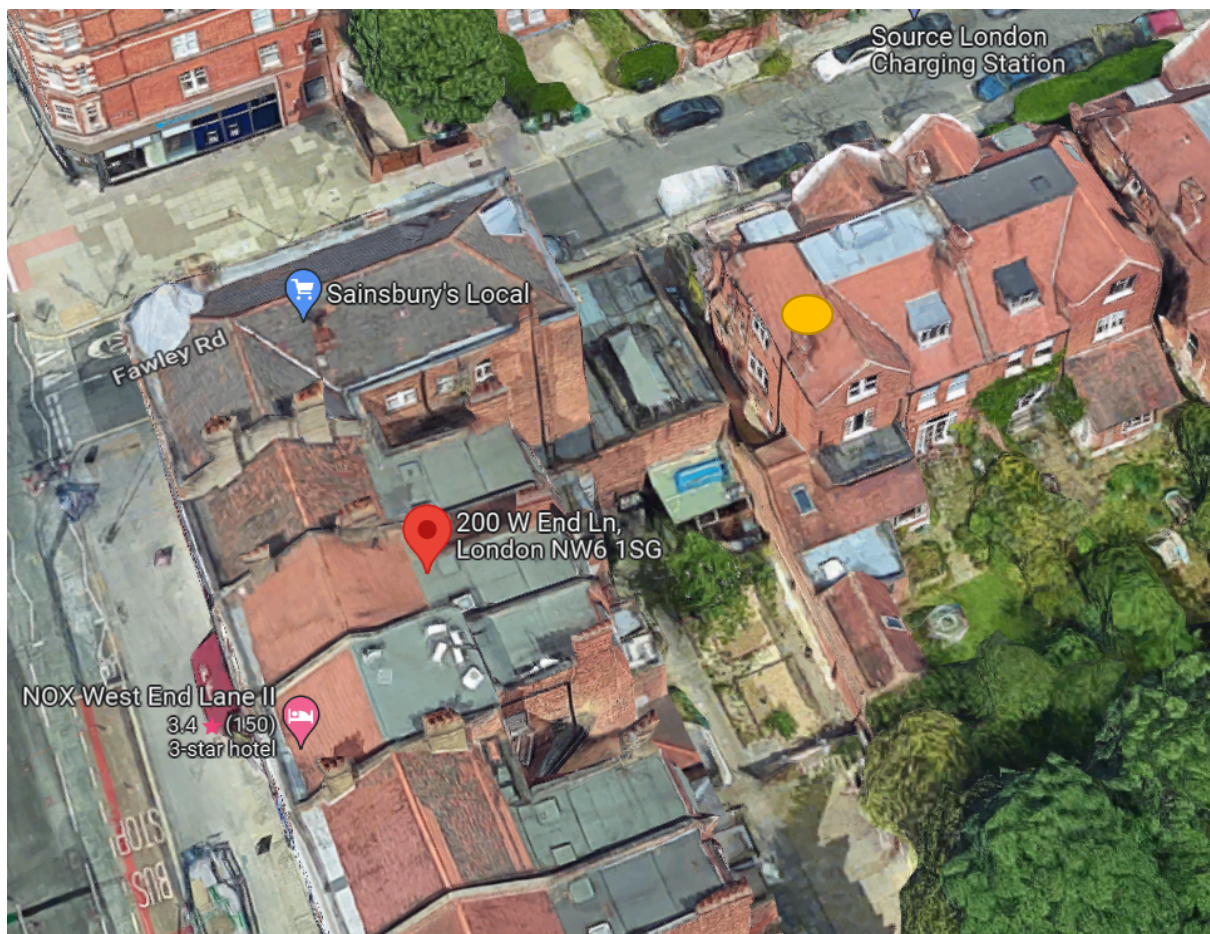
Flat A, 200 West End Lane, NW6 1SG (2022/2324/P)



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1. Aerial view showing roof alterations within the terrace



2. Aerial view showing location of the roof terrace in relation to No.2 Fawley Road.
2 Fawley terrace shown ●



3. Aerial view showing rear 'garden' of site for bin and bike store.
- 2 Fawley terrace shown ●
- Garden for stores shown ●



4. Streetview showing front elevation of the property

Delegated Report		Analysis sheet		Expiry Date:	01/09/2022
		N/A / attached		Consultation Expiry Date:	07/08/2022
Officer			Application Number(s)		
Sofie Fieldsend			2022/2324/P		
Application Address			Drawing Numbers		
Flat A, 200 West End Lane London NW6 1SG			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Conversion from 1flat to create 3x flats (C3) consisting of 2x 2B3P and 1x 3B5P. Erection of roof extension involving rear dormer and roof terrace and 2x front rooflights. Replacement front/rear windows and rear 1st floor balustrade. Installation of bin and bike stores in rear garden.					
Recommendation:		Approve planning permission subject to S106 legal agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	05	No. of objections	05
			No. electronic	00	No. of comments	00
Summary of consultation responses:	<p>A site notice was displayed on the 13/07/2022 and the consultation period expired on the 06/08/2022. A press notice was advertised on 14/07/2022 and expired on 07/08/2022.</p> <p>5 objections was received from 2 Fawley Road (flat ground, B and C), top floor flat 4 Fawley Road and Fawley Road Residents Association. They can be summarised as follows:</p> <ol style="list-style-type: none">1. Roof extension and terrace privacy screen by reason of their siting, scale, bulk and detailed design, would appear as visually obtrusive and dominate the rear elevation of the property. They would fail to respect and preserve the original design and proportions of this terraced row of properties, all to the detriment of the character and appearance of the host building, terrace and the wider conservation area2. Overlooking, loss of light and outlook and noise and disturbance to all properties that objected3. Parking stress, disruption and congestion <p><i>Officer response:</i></p> <ol style="list-style-type: none">1. See section 1.2-1.4 and 4.8-4.162. See section 5 (amenity)3. See section 6 (Transport)					
CAAC and other community groups	West End Green CAAC and the Fortune Green and West Hampstead Neighbourhood forum were consulted and no response was received.					

Site Description

The site is a four storey mid terrace property located on the east side of West End Lane with retail at ground floor level and one 6 bedroom maisonette occupying the remaining upper floors.

The site is located within the West End Green Conservation Area and, while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area. It is also within the Fortune Green and West Hampstead Neighbourhood Plan area.

Relevant History

Application site

2020/0782/P – Conversion of upper floors maisonette to create 3 flats (Class C3) consisting of 2 x 2bed 3person flats and 1x 3bed 4person flat; erection of enlarged rear extension at 1st floor; loft conversion involving a rear dormer roof extension, rear roof terrace and 3 front rooflights; erection of bin and bike stores in rear garden. - **Refused 20/4/20. Dismissed at appeal 9/4/21**

Reasons for refusal:

- 1) The proposed rear extension, roof extension and roof terrace privacy screen, by reason of their detailed design, height, size, bulk and siting, would harm the character and appearance of the host property, terraced group of properties and conservation area, contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies 2 (Design and character) and 3 (Safeguarding and enhancing Conservation Areas and heritage assets) of the Fortune Green and West Hampstead Neighbourhood Plan (2015).
- 2) The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 3) The proposed development, in the absence of a legal agreement securing a Construction Management Plan and associated monitoring fee, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, contrary to policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017.

2019/3505/P - Change of use from 1x6B flat to 2x 2B4P and 1x 3B5P flats. Erection of rear extension at 1st floor, 3 storey side infill extension (1st-3rd floor) and rear balcony at 2nd. Erection of roof extension involving rear dormer and roof terrace and 3x front rooflights. Installation of bin and bike stores in rear garden. – **Refused 06/10/2019**

Reasons for refusal:

- 4) The proposed development, by reason of its detailed design, height, scale, bulk and siting, would harm the character and appearance of the host property, terrace and conservation area contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies 2 (Design and character) and 3 (Safeguarding and enhancing Conservation Areas and heritage assets) of the Fortune Green and West Hampstead Neighbourhood Plan (2015).
- 5) The proposed 2nd floor terrace, by reason of its siting and scale, would result in potential close range overlooking and noise disturbance to adjacent properties contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 6) The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and

fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

- 7) The proposed development, in the absence of a legal agreement securing a Construction Management Plan and associated monitoring fee, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, contrary to policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017.

Neighbouring properties

190 West End Lane

PWX0202552 -The erection of an extension at rear first floor level, the erection of a dormer roof extension with terraced area in the rear roofslope and 2 rooflights in the front roofslope, in connection with the creation of 3 self-contained flats on the 1st, 2nd and 3rd floors. - **Granted 26/06/2003**

192a West End Lane

2005/1602/P - Conversion of the 3 upper floors of the property from 3 flats to create 2 x 2 bedroom flats & 1 x 3 bedroom maisonette, conversion of the roof space into additional habitable accommodation through the erection of a rear dormer and 2 rooflights to the front elevation, the erection of a single storey rear extension at first floor level, and the creation of a roof terrace on the rear flat roof adjoining the new dormer. – **Granted 19/07/2005**

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden's Local Plan (2017)

A1 – Managing the impact of development

CC1 - Climate change mitigation

CC2 - Adapting to climate change

CC3 - Water and flooding

CC4 - Air quality

CC5 - Waste

D1 – Design

D2 – Heritage

T1 - Prioritising walking, cycling and public transport

T2 - Parking and car parking

T4 - Sustainable movement of goods and materials

Fortune Green and West Hampstead Neighbourhood Plan (2015)

Policy 1: Housing

Policy 2: Design and Character

Policy 3: Safeguarding and enhancing Conservation Areas and heritage assets

Policy 7: Sustainable Transport

Policy 8: Cycling

Supplementary Guidance (2021)

CPG Home Improvements

West End Green Conservation Area Appraisal and Management Strategy (2011)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the following:

- Conversion to create 3 flats (Class C3) consisting of 2 x 2bed 3person flats and 1x 3bed 4person flat
- Erection of enlarged rear extension at 1st floor
- Erection of roof extension in loft involving rear dormer and roof terrace and 3 front rooflights
- Installation of bin and bike stores in rear garden.

Background:

1.2 The previous application ref. 2020/0782/P was refused on design grounds as the 'proposed rear extension, roof extension and roof terrace privacy screen, by reason of their detailed design, height, size, bulk and siting, would harm the character and appearance of the host property, terraced group of properties and conservation area'.

1.3 Although the planning inspector dismissed the appeal and upheld that the rear extension was harmful to the host property, terrace and conservation area the appeal decision did conclude that the roof extension and terrace was acceptable. Extracts have been included below:

"The proposed roof terrace would be of a similar size to others nearby. To mitigate any overlooking from the roof terrace, a glass privacy screen is proposed along the shared boundary with 198 West End Lane and a lower glass balustrade is shown along its front edge. Because of the limited extent of these additions, their lightweight construction, and part concealment by the existing parapets, the materiality and use of these would not be inappropriate to the character or appearance of the building or area.

"I have taken account of the Council's Planning Guidance 'Altering and extending your home'. Although the proposed dormer extension does not meet the dimensions specified in this, in relation to the siting of dormers, this is guidance. In any event, for the reasons stated above, no harm would result from it. Therefore, this and the roof terrace would assimilate with the design of the appeal property and the wider terrace."

1.4 While the Council disagree with the findings above regarding the roof extension, the appeal decision is now a material planning consideration that has deemed this aspect acceptable.

1.5 Differences from refused scheme ref. 2020/0782/P are:

- Flat size mix now to 2x 2bed 3p and 1x 3bed5p (previous 2x 2bed 3p and 1x 3bed 4p).
- Removal of rear 1st floor extension and larger terrace kept with a replacement balustrade
- Larger rear window at 4th floor

- Replacement of all windows with timber double glazed windows



Image 1. Showing the rear elevation of ref. 2020/0782/P on the left and the current proposal on the right.

1.6 During the lifetime of the application the roof extension's balustrade and roof extension was revised to reduce the depth and match the scale and provide a similar detailed design accepted by the appeal inspector under ref. 2020/0782/P. This appeal statement is included under appendix 1.

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land use
- The visual impact upon the character and appearance of the host property, streetscene and West End Green conservation area (Design and Character)
- Impact on the amenity of adjoining occupiers

3.0 Land Use

3.1 The proposal includes the subdivision of the existing 6 bed flat (C3) into 3 flats consisting of 2x 2bed 3p and 1x 3bed 5p. The proposed development would increase housing supply in the borough in accordance with policy H1. However, whilst there is a need for additional housing in the borough and the general principle of adding to the housing stock is supported.

4.0 Design and Appearance

Policy background

4.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance (CPG Altering and extending your home) states that "design should positively enhance the character of existing buildings on site and other building immediately adjacent and in the surrounding area".

4.2 Camden's Design Guidance indicates that proposals should have regard to the scale, form and massing of neighbouring buildings and respect and preserve the historic pattern where it exists.

4.3 CPG Altering and extending your home states that:

"Extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged. This is because such extensions no longer appear subordinate to the building."

And

"The width of a rear extension should be designed so that it is not visible from the street and should respect the rhythm of existing rear extensions in neighbouring sites."

4.4 Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan states that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. This shall be achieved by:

- i. Development which positively interfaces with the street and streetscape in which it is located.
- ii. Development which maintains the positive contributions to character of existing buildings and structures.
- iii. Development which is human in scale, in order to maintain and create a positive relationship between buildings and street level activity.
- iv. Development which has regard to the form, function, structure and heritage of its context – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.
- v. A presumption in favour of a colour palate which reflects, or is in harmony with, the materials of its context.
- vi. New buildings and extensions that respect and are sensitive to the height of existing buildings in their vicinity and setting. Tall buildings in the Growth Area will need to have regard to their impact on the setting of the two immediately adjacent conservation areas, in order to avoid any negative impact on them.
- vii. Extensions - and infill development - being in character and proportion with its context and setting, including the relationship to any adjoining properties.
- viii. The provision of associated high quality public realm.

4.5 Policy 3 of the Fortune Green and West Hampstead Neighbourhood Plan states that:

- i) Development that enhances or preserves Conservations Areas and heritage assets in the Area – as well as their distinct character, appearance, and setting – will be supported.
- ii) Proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported.

Replacement 1st floor rear terrace balustrade and replacement windows

4.6 It is noted that there is an existing rear terrace at 1st floor and this proposal would simply replace the existing balustrade with metal railings which would not be uncharacteristic within the conservation area.

4.7 The replacement windows would mostly be like for like in terms of their siting, material and detailed design with the exception of the windows being double glazed which is not considered to materially harm the character and appearance of the host property. Only the rear 3rd floor window is being marginally relocated which is considered acceptable. Window section were provided showing the new timber windows as having internal glazing bars which is acceptable.

Roof extension and terrace

4.8 CPG 'Altering and extending your home' recommends that alterations to, or the addition of, roof dormers should be sensitive changes which maintain the overall structure of the existing roof form; should not be introduced into shallow roofs; should not disrupt an unbroken roofscape; should maintain adequate roof slope to maintain projection into the roofline; and should utilise materials which are complementary to the host building and local area. This guidance also advises that roof alterations / extensions may be accepted where they act to re-unite a group of buildings; remain architecturally sympathetic to the host building; maintain the integrity of the roof form; or where there is an established pattern of development of a similar form would not result in harm.

4.9 This CPG further adds that they should be sufficiently below the ridge of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation. Full-length dormers, on both the front and rear of the property, will be discouraged to minimise the prominence of these structures. In number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on the roof surface.

4.10 The proposed dormer is contrary to CPG 'Altering and extending your home' as it occupies nearly the full height and width of the roof slope and is not set at least 500mm away from the eaves and ridges of the roof.

4.11 However as mentioned in the background section above, the appeal inspector concluded that a roof extension of this size and principle of a roof terrace in this location to be acceptable and would not appear to harm the character and appearance of the host property, terrace or conservation area. They also concluded that the use of glass balustrades were acceptable in this location with a height of 1.7 on the side and a 1.1m high screen on the rear of which a glazed element projected 0.3m above the parapet .

4.12 As outlined above this current roof extension was revised to match the detailed design concluded by the appeal inspector in the previously refused application as acceptable and the only difference is that the proposal now has a larger sash window adjacent to the terrace. There is no objection to the marginally larger window as it is proportionate and matches the style of the existing. Given the material planning consideration with the recent appeal decision for ref. 2020/0782/P for the roof extension and associated terrace this element is also acceptable.

Rooflights

4.13 Nos.190 and 192 West End Lane were granted permission for two small rooflights located near the top of the front roofslope and there are no other examples within this terrace. Two rooflights are proposed on the front roofslope. They are considered to be modest and small scale alterations which are not visible from the street. Thus they will not detract from the character and appearance of the host property and conservation area.

Bin and bike stores

4.15 The rear garden is entirely screened from the public realm. It is considered that the erection of timber bin and bike stores in this location would be acceptable, however despite requests from officers to see their exact footprint on the site plan rather than just an annotation this was not forthcoming. However, given the minor scale indicated and location to rear without views from the street it would be acceptable. A condition will also secure the details of a larger cycle store for 6 cycles, see transport section.

Conclusion

4.16 The development is considered to protect the character and appearance of the host property, terrace and West End Green Conservation area. It complies with the policies of the Camden Local Plan 2017 and the Fortune Green and West Hampstead Neighbourhood Plan 2015.

5.0 Amenity

Neighbouring properties

5.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

5.2 CPG Amenity states that development should be designed in order to ensure that “the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers” and that where development is considered to have a detrimental impact upon levels of daylight, sunlight or overshadowing into neighbouring properties, the submission of further evidence of this impact may be required.

5.3. The setback proposed on the roof terrace would help mitigate some issues of overlooking to surrounding properties including those who raised concern along Fawley Road and it considered to be no worse than that at No.190 and 192 which were granted permission. Also, it is acknowledged that the roof terrace is angled from this property and it does not face directly onto their windows. It is noted that a 1.7m obscure glass privacy screen is proposed between No. 198 West End Lane and the host property. This is considered to mitigate concerns about occupiers being able to look directly into the rear dormer windows of this property. Its installation prior to use of the terrace and ongoing retention is secured by condition.

5.4 Given the siting of the roof extension and terraces and separation distance to neighbouring properties, it is considered that the proposed extensions would not lead to a detrimental impact upon neighbouring properties by virtue of loss of light, outlook and privacy, or excessive noise and disturbance given the significant separation distance to neighbouring properties. Nor result in harmful light pollution given its detailed design and scale.

Future occupiers

5.5 The existing unit will be subdivided to provide three flats are proposed comprising the following mix of 2 x 2beds and 1 x 3bed-

Flat	Floor	Unit Size (GIA)	London Plan Minimum GIA	Dual Aspect (Y/N)	Amenity space
1	1 st	68sqm (2b/3p)	61sqm	Y	Y
2	2 nd	63 sqm(2b/3p)	61sqm	Y	N
3	3 rd	98 sqm (3b/5p)	93sqm	Y	Y

5.6 Local Plan Policy H7 seeks a mix of large and small units. As indicated in para 3.185, large homes are those with 3 or more beds. Policy H7 also indicates that the proposal should contribute to meeting the priorities in the Dwelling Size Priorities Table. For market housing, the priorities given are 2 and 3 bed. This mix proposed would be acceptable as it provides three high priority units in line with policy H7 of the Local Plan and Policy 1 of the West Hampstead and Fortune Green Neighbourhood Plan.

5.7 All flats comply with minimum space standards and only flat 2 will not have access to private amenity space. Overall the proposal is considered to provide adequate accommodation for future occupiers.

5.8 A condition has been attached to ensure that all flats shall achieve a maximum internal water use of 110litres/person/day in line with policies CC1, CC2, CC3.

5.9 The waste store complies with CPG Design and its installation prior to occupation of any unit is secured by condition in line with policies CC5 and A1.

6.0 Transport

6.1 Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and design requirements outlined in CPG Transport. Three cycle spaces are proposed in the rear garden. To comply with the London Plan, 1 space per studio/1bed and 2 spaces per all other dwelling should be provided. In this instance 6 spaces would need to be provided and designed in accordance with the cycle facilities section of CPG Transport. Its unclear how many cycle parking spaces within have been shown in the rear garden, it is considered that 6 spaces could be easily facilitated and therefore a condition is attached requiring details of 6 cycle parking spaces.

6.2 Policy T2 of the Local Plan requires all new development in the borough to be car-free regardless of PTAL rating, this would be secured by a S106 legal agreement. For car-free developments, the Council will not issue on-street parking permits and will use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits. In absence of a S106 securing car free development, this forms a reason for refusal.

6.3 Highways officers have concluded that given the limited nature of the proposed works, a Construction Management Plan (CMP) and bond would not be necessary.

6.4 Policy A1 of the Camden Local Plan states that the Council will repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces. A highway contribution is not required for this small scale development.

7.0 Conclusion

7.1 The proposal is considered acceptable on design, heritage, amenity and transport grounds subject to a S106 agreement securing the units as car free.

8.0 Recommendation

8.1 Approve planning permission subject to S106 legal agreement.

Application ref: 2022/2324/P
Contact:
Tel: 020 7974
Date: 17 August 2022

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

22redfern road
london
nw10 9lb
United Kingdom

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

Flat A
200 West End Lane
London
Camden
NW6 1SG

Proposal:

DECISION
Conversion from 1flat to create 3x flats (C3) consisting of 2x 2B3P and 1x 3B5P. Erection of roof extension involving rear dormer and roof terrace and 2x front rooflights. Replacement front/rear windows and rear 1st floor balustrade. Installation of bin and bike stores in rear garden.

Drawing Nos: 220523/01; 220523/02; 220523/03; 220523/04; 220523/05; 220523/06; 220523/07; 220523/08 Rev.A; 220523/09; 220523/10 Rev.E; 220523/11 Rev.E; 220523/12 Rev.E; 220523/13 Rev.E; 220523/14; 220523/15;220523/16; 220523/17;220523/18; 220523/19 Rev.A; 220523/20; Tanalised timber pent bike shed and Bellus Quad wheelie bin storage.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

220523/01; 220523/02; 220523/03; 220523/04; 220523/05; 220523/06; 220523/07; 220523/08 Rev.A; 220523/09; 220523/10 Rev.E; 220523/11 Rev.E; 220523/12 Rev.E; 220523/13 Rev.E; 220523/14; 220523/15;220523/16; 220523/17;220523/18; 220523/19 Rev.A; 220523/20; Tanalised timber pent bike shed and Bellus Quad wheelie bin storage.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the development commences, details of secure and covered cycle storage area for 6 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 6 The use of the roof as a terrace shall not commence until the privacy screens, as shown on the approved drawings, have been constructed. The screens shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 7 The waste store shall as shown in the rear garden on the approved plans shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5 and A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning

Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 7 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

Appendix 1:
Appeal
statement for
ref. **2020/0782/P**



Appeal Decision

Site visit made on 9 December 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/X5210/W/20/3256668

Flat A, 200 West End Lane, London NW6 1SG

- 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 Mr Ronnie Chitiyat, Grovehill Properties Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2020/0782/P, dated 17 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is conversion to create 3x flats (C3) consisting of 2x 2B3P and 1x 3B4P. Erection of rear extension at 1st floor, and balcony. Erection of roof extension involving rear dormer and roof terrace and 3x front rooflights. Installation of bin and bike stores in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would preserve or enhance the character or appearance of the West End Green Conservation Area ('WEGCA'); and whether the proposal would support a car-free development and secure adequate mitigation for any construction related impacts on highway safety.

Preliminary matter

3. A Unilateral Undertaking ('UU') dated 27 November 2020 and made under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 16 Greater London Council (General Powers Act) 1974 was submitted by the appellant during the course of the appeal. I shall return to this undertaking later.

Reasons

Character and appearance

4. The appeal site is a mid-terrace property located along a row of properties between Fawley Road and Lymington Road. It comprises four-storeys with a commercial use at ground floor level and a maisonette occupying the upper floors. This property and the wider terrace block it forms a part of are within the WEGCA and the Fortune Green and West Hampstead Neighbourhood Plan area.

5. The West End Green Conservation Area Appraisal and Management Strategy identifies West End Lane as the busy commercial 'spine' of the area. This is mainly characterised by the distinct architecture of generally well-preserved monumental mansion and terraced blocks, comprising commercial uses at ground floor with upper floors largely occupied by residential accommodation. Forming a largely unaltered building, the appeal property along with the wider terrace, positively contributes to the character and appearance of the WEGCA.
6. To facilitate the conversion of the existing residential accommodation, a rear dormer extension and roof terrace are proposed. The extension would be lower than the ridge of the existing roof and would be set-in from the boundary with 202 West End Lane, making it a subordinate addition to the roof. Overall, the siting, form and appearance of the new dormer extension would not be dissimilar to others along the terrace, and its slightly larger scale in comparison to some of these extensions, would not be particularly apparent because of its recessed location.
7. The proposed roof terrace would be of a similar size to others nearby. To mitigate any overlooking from the roof terrace, a glass privacy screen is proposed along the shared boundary with 198 West End Lane and a lower glass balustrade is shown along its front edge. Because of the limited extent of these additions, their lightweight construction, and part concealment by the existing parapets, the materiality and use of these would not be inappropriate to the character or appearance of the building or area.
8. I have taken account of the Council's Planning Guidance 'Altering and extending your home'. Although the proposed dormer extension does not meet the dimensions specified in this, in relation to the siting of dormers, this is guidance. In any event, for the reasons stated above, no harm would result from it. Therefore, this and the roof terrace would assimilate with the design of the appeal property and the wider terrace.
9. The submitted scheme includes an extension to the existing first-floor, rear outrigger. The rear elevations of the properties along the wider terrace, including the appeal property are broadly similar in form and appearance. Most notably, these include outriggers at first floor level, which generally extend partway along the rear elevations, are arranged in pairs, and incorporate small windows. These give the rear elevations a degree of rhythm and uniformity.
10. Despite utilising matching materials, the extended outrigger would be taller and wider than those either side of it and the existing window would be replaced by a larger one. Consequently, the extended outrigger would be noticeably different in scale and design to those either side of it. In particular, it would unbalance the symmetry with the outrigger it is paired with, which would erode the existing general arrangement and uniformity of these rear elevations and would appear incongruous. This incongruity would be exacerbated by the mid-terrace location of the appeal property.
11. The larger first floor extension at 190a West End Lane is along the end of the terrace next to a much larger building to the south, which limits its prominence. An extension to the outrigger at 192a West End Lane has also been approved. However, there is no certainty that this will be implemented, I therefore attach limited weight to this. In any event, on the information before me, this would reflect the design and scale of the extension at 190a West End

Lane. As such, the approved schemes are not directly comparable to the proposal before me.

12. Although the proposed first floor, rear extension would be largely screened in views from the highway, the requirement for development proposals to preserve or enhance the character or appearance of the Conservation Area applies whether or not the proposal is in public view or not.
13. For the above reasons, the proposed first floor, rear extension would harm the character and appearance of the appeal property, and the significance of the WEGCA would be harmed.
14. The harm the proposal would cause to the significance of the WEGCA would be less than substantial. Paragraph 196 of the National Planning Policy Framework ('the Framework') states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the proposal would deliver additional residential units. However, despite the need to boost housing supply locally and nationally, the benefits derived from two additional units would be limited.
15. Having special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area¹, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, these are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
16. Drawing on the above reasons, the proposed first floor, rear extension would conflict with Policies D1 and D2 of the Camden Local Plan (2017) and Policies 2 and 3 of the Fortune Green and West Hampstead Neighbourhood Plan (2015) ('NP'). Collectively, these policies seek to secure high quality design in developments which respect local character and context and preserve or enhance heritage assets. In particular, Policy 2 of the NP requires extensions to be in character and proportion with its context and setting, including the relationship to any adjoining properties.

Car-free development and highway safety

17. Policy T2 of the LP requires all new developments in the Borough to be car-free. In accordance with this Policy the Council seeks to use legal agreements to ensure that future occupants are aware they are not entitled to on-street parking permits. Although the Council's various planning guidance² requires these to be in the form of bi-lateral agreement, pursuant to certain statutory powers, these are guidance and do not preclude the appellant from submitting a UU under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 16 Greater London Council (General Powers Act) 1974 to secure a car-free development.
18. The submitted UU would ensure that occupiers of the residential units would be made aware that they are not entitled to apply for a Residents Parking Permit or buy a contract to park within any car park owned, controlled, or licensed by the Council. This should be effective in limiting private car ownership, which is

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Camden Planning Guidance: Transport and Camden Planning Guidance, Developer contributions.

the most likely source of local parking stress and would support the aims of Policy T2 of the LP. This would also promote more sustainable and efficient forms of transport, in accordance with Policy T1 of the LP.

19. The site is located along a busy highway. As such, servicing activities during construction would have an impact on road users if not adequately mitigated and managed. The submitted UU would secure a Construction Management Plan and an implementation support financial contribution in accordance with the Council's requirements. These measures would ensure that the development would minimise impacts associated with servicing and the movement of goods and materials during the construction process to limit any unacceptable detriment to highway safety. As such, the obligations of the UU would manage the impacts of the development, in accordance with the aims of Policy A1 of the LP.
20. For the above reasons, the obligations set out in the UU are directly related to the development and reasonably related in scale and kind. As such the UU passes the tests set out in the Framework and satisfies the requirements of regulation 122 of The Community Infrastructure Levy Regulations 2010.
21. The Council's third reason for refusal cites Policy T4 of the LP. However, the requirement for a Construction Management Plan under this Policy is specific to larger developments. Therefore, this Policy is not relevant to the proposal before me.

Other matters

22. There is some dispute between the main parties over the Council's requirement for a 'monitoring fee' in respect of the UU and the level of this. Nevertheless, this matter does not go to the heart of the planning merits of the appeal, which I am dismissing. Therefore, it is not necessary for me to consider this any further.

Conclusion

23. I have found that in light of the submitted UU the proposal would support the Council's aims to secure a car-free development and would mitigate any construction impacts with regard to highway safety. However, I have also found that that the proposal would harm the character and appearance of the WEGCA, for this reason and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR