

Appeal Decision

Site visit made on 14 November 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 December 2016

Appeal Ref: APP/X5210/W/16/3151988

Flat 2, 22 Lymington Road, Camden, London NW6 1HY

- 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 Ms Jaqueline Eringer against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/2602/P, dated 8 May 2015, was refused by notice dated 11 March 2016.
 - The development proposed is a proposed single storey rear extension to existing basement flat with internal modifications and external garden remodelling.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed single storey rear extension to existing basement flat with internal modifications and external garden remodelling at Flat 2, 22 Lymington Road, Camden, London NW6 1HY in accordance with the terms of the application, Ref 2015/2602/P, dated 8 May 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 002/1 Rev A; 002/2; 002/3 Rev A; 002/4 Rev A; 002/5 Rev A; 002/6 Rev A; 002/7 Rev A and 002/8 Rev A.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the West End Green Conservation Area.

Reasons

3. The appeal property is a rear basement flat in a large three storey semi-detached house. The building is one of a number of similar, and similarly sizeable, semi-detached buildings set along this particular stretch of Lymington Road between West End Lane, to the west, and the Hampstead Cricket Club grounds to the east.
 4. Lymington Road is located within the West End Green Conservation Area (the Conservation Area). This part of the Conservation Area is characterised by large detached and semi-detached houses. The Conservation Area Appraisal and Management Strategy for West End Green (CAAMS) notes Lymington Road as being "virtually intact", and goes on to identify groups of properties, including the appeal property, as making a positive contribution to the character and appearance of the Conservation Area.
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5. Within the site, ground levels fall away from the front to the rear of the appeal site. As a result, the rear elevations of properties on the southern side of Lymington Road, particularly where basement-level flats exist, are of a significant and substantial scale. Whilst the Council refer to a pattern of development along the rear of the southern side of this part of Lymington Road, I observed there to be a variety of extensions and additions to the rears of the host property, and those adjacent to it. Whilst these all display subtle differences in terms of scale, form and layout, all are of modest proportions in the context of the grand proportions and scale of the main buildings.
6. The Council's Supplementary Planning Guidance, the Camden Planning Guidance: Design (CPG1), provides advice and guidance on a range of design-related issues, including extensions, alterations and conservatories. Whilst the height and width of rear extensions¹ is covered in detail, CPG1 does not make specific reference to the depth, or projection, of such extensions, either individually or cumulatively. Instead, it sets out a range of criteria to which rear extensions should be designed.
7. In the context of what is a substantial building however, the limited height of the proposed single storey extension would clearly be subordinate to the proportions of the main dwelling. Furthermore, as it is an extension to an existing basement flat, the structure is set below prevailing external garden levels, reducing its "above ground" extent. It would not be visible from the street, or indeed any other public viewpoint, whilst private views would be limited to those from adjoining properties along and across the rears of those properties. In this respect, I find no conflict with the guidance set out in CPG1, and within the miscellany of subtly differing extensions and alterations, I find that the proposal would be neither excessively large nor out of character with the adjoining properties.
8. I acknowledge that No 22 has previously been extended and altered to provide enlarged basement and ground floor areas at the rear of the building, and that these previous additions extend across the full width of the rear elevation of No 22. So too, would the current proposal. However, the rears of Nos 22 and 24 are not identical and the extent to which there is symmetry across the rear was, I found, limited. The proposal would respect the general hierarchy of scale evident on successive upper floors of both the host property, and those adjoining it. It would represent only a modest extension, in terms of depth, in the context of the existing property, and would be of a scale and proportions that not be out of keeping with the adjoining half of the building.
9. In my judgement therefore, the proposed basement extension would not harmfully alter the positive contribution that the building currently makes to the Conservation Area. Nor would it cause harm to the intrinsic quality, character or appearance of the Conservation Area. In this respect, I conclude that the proposed extension would have a neutral effect thereon, thereby preserving the character and appearance of the Conservation Area. There would therefore be no conflict with Camden Core Strategy (CCS) policy CS14 or with Camden Development Policies (CDP) policy DP25. I am also satisfied that the proposal has appropriately considered the character, setting, context, form and scale of the host property, and those near to it, as set out in CDP policy DP24.

¹ Paragraphs 4.12 – 4.13 and 4.14 – 4.15, respectively.

10. With regard to the design and, particularly, the materials of the proposed replacement windows, it appears to me that the Council are concerned not with those within the proposed extension, but rather those that would replace the existing basement windows on the side elevation of the main building. These windows are set almost at ground level and are not visible from either front or rear, or from neighbouring properties, due to their position at ground level in the narrow access alleyway between Nos 20 and 22. In the context of a substantial, but visually confined flank elevation, the windows to be replaced make a limited contribution to the character and appearance of the host property and to the surrounding conservation area.
11. Thus, I conclude that the replacement windows in the side elevation of 22 Lymington Road would have a neutral effect on the character and appearance of the Conservation Area, thereby preserving its character and appearance. This element of the proposal would not therefore be in conflict with the design and heritage aims of CCS policy CS14 or with CDP policies 24 and 25. In reaching this conclusion I have, as I am statutorily required² to, paid special attention to the desirability of preserving or enhancing the character or appearance of that particular conservation area.

Other Matters

12. Occupiers of neighbouring properties object on a wider basis, including in respect of the height of the extension, the effect on outlook from neighbouring properties, the effect of light emissions from the extension and in relation to security, structural and subsidence matters. However, these matters did not form part of the Council's reasons for refusal and the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be over-riding issues to warrant dismissal of the appeal.

Conditions

13. I have considered the conditions suggested by the Council in light of the National Planning Policy Framework and the Planning Practice Guidance. In addition to the time limit condition, I agree that a condition specifying the approved plans is necessary in the interests of certainty.
14. In addition, I also agree that a condition requiring all external works to be carried out in materials that resemble those used in the existing building is necessary and reasonable in the interests of character and appearance. Due to the ground levels between the adjoining properties, I agree that a condition limiting the use of the roof of the extension would be necessary and reasonable in the interests of living conditions.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990