The Planning Inspectorate

Appeal Decision

Site visit made on 26 September 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 19 October 2017

Appeal Ref: APP/X5210/D/17/3179522
21 Lawford Road, London NW5 2LH

- 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 Mrs Jo Myddelton against the decision of the Council of the London Borough of Camden.
- The application Ref 2017/1215/P, dated 28 February 2017, was refused by notice dated 9 June 2017.
- The development proposed is infill of first floor rear balcony with new sash window to match existing french window and brick work to match existing.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I am aware from dealing with other cases within the Borough that the Camden Local Plan (CLP) was adopted on 3 July 2017 and replaces the Camden Core Strategy 2010 – 2025 and the Camden Development Policies 2010-2025. The CLP was adopted after the application was determined but before the appeal was submitted. Policies A1, D1 and D2 of the emerging Local Plan were referred to in the Council's Officer Report and policies D1 and D2 were referred to in the reason for refusal but no CLP policies were referred to in the appellant's statement.

3. The appellant has been consulted on the relevance of the CLP policies referred to by the Council to her case and I am satisfied that she has had the opportunity to comment on them. In reaching my decision I have therefore had regard to the now adopted CLP policies referred to by the Council.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building and on the surrounding area.

Reasons

5. The appeal site is located in the Bartholomew Estate Conservation Area (CA). The Council's Conservation Area Statement for the CA (CAS) states that the CA is a compact and well preserved Victorian residential development, which has changed remarkably little over the last 150 years. Built over a twenty year period with a clearly defined boundary and homogeneous townscape the area is

clearly identified from the surrounding urban context. The appeal site falls within Sub-Area 2, the Dartmouth Family Estate, where the CAS states that although modest, the interest and quality of the streets within the sub area lies very much in the attention to detail and that incidental alterations have begun to undermine the quality of the sub area.

6. The host building is a three storey plus basement end of terrace Victorian dwelling which the CAS identifies as making a positive contribution to the character and appearance of the CA. It has a number of existing rear projections including a mono pitched first floor rear extension which extends part way across the width of the host building and adjoins a first floor balcony enclosed by metal railings. The other two properties within the small terrace of three properties also have rear projections of varying size, height and appearance resulting in a lack of uniformity to the rear elevation of the terrace, the upper floors of which are visible from Patshull Place. The rear elevations of the host building and of the wider terrace are also visible from surrounding properties to the rear.

7. The proposal to replace the first floor balcony with a flat roofed extension would result in a full width extension at first floor and the height of the extension would exceed that of the existing first floor extension to the host building and the height of the top of the first floor extension at the adjoining property 23 Lawton Road. The height and width of the proposed extension together with its flat roof design means that it would not integrate with or be sensitive to the character and appearance of the host building or the wider terrace. Whilst Nos 23 and 25 together with other nearby properties have first floor rear extensions, none appear to have the same design and appearance as the proposal or to be full width as is proposed.

8. Whilst I note the modest depth of the proposed extension and that it would be constructed from matching materials, these factors would not overcome the harm that I have identified and whilst the extension would not be prominent, it would nevertheless be visible from within the CA from Patshull Place and from the rear elevations and rear gardens of surrounding properties and would undermine the quality of the CA.

9. My attention has been drawn by the appellant to other proposals which it is stated have created a precedent for the proposal. However whilst I have been referred to a number of planning applications which have been approved, I am not aware of the details or particular circumstances relating to these applications or to other sites referred to on Lawton Road and therefore attach them limited weight. In any event I must determine the proposal before me on its own merits.

10. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. As such having regard to paragraph 134 of the National Planning Policy Framework (the Framework), this harm needs to be weighed against the public benefits of the proposal. There do not appear to be any public benefits of the proposal which would outweigh the harm identified.

11. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the host building and the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the same reasons it

would not accord with paragraph 132 of the Framework or with policies D1 and D2 of the CLP. These policies seek, amongst other things, to secure high quality design in development and to preserve and where appropriate enhance heritage assets including conservation areas.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR