



Appeal Decision

Site visit made on 3 May 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2022

Appeal Ref: APP/X5210/D/22/3292814

19 Heath Drive, London NW3 7SL

- 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 Sam and Nigel Hikmet against the decision of London Borough of Camden.
 - The application Ref 2021/4314/P, dated 6 September 2021, was refused by notice dated 14 January 2022.
 - The development proposed is described on the application form as: 'A single storey ground floor rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side/rear ground floor extension following demolition of existing at 19 Heath Drive, London NW3 7SL in accordance with the terms of the application, Ref 2021/4314/P, dated 14 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX-00-010; EX-00-100; EX-00-300; PL-00-10; PL-00-100; PL-00-200; PL-00-300.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used to the existing building.

Preliminary Matters

2. For the purposes of determination, I have used the description of development given on the Council's Decision Notice and the appeal form as opposed to that stated on the application form. This is because it clearly identifies the location of the extension and references required demolition works.
3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of designated conservation areas when exercising planning functions. I shall have regard to this statutory duty in my consideration of this appeal.

Main Issue

4. Whether or not the proposed extension would preserve or enhance the character or appearance of the Redington/Frognaal Conservation Area (the CA).

Reasons

5. The significance of the CA as a designated heritage asset is drawn, in-part, from its often grand and similarly designed red brick houses set upon spacious individual plots. This significance is further defined by the area's verdancy and sloping topography. The appeal property is identified in the Conservation Area Statement as a building that makes a positive contribution to the area. It is semi-detached, of traditional Edwardian character and located upon a generously sized and well-planted plot.
6. Whilst the semi-detached pair of which the appeal property forms part (the pair) would appear to remain well-balanced when experienced from Heath Drive, its rear façade has been the subject of past alterations. Indeed, as was apparent upon inspection, no distinct sense of symmetry or uniformity applies to the rear of the pair. Nor is the wider short row of properties that contains the pair regularly laid out to its rear.
7. The proposal involves the loss of an original canted bay (the bay), a feature that is mirrored to the rear of the adjoining premise. However, in-part owing to its discreet low-level positioning and the proximity of larger rear-projecting built elements, the bay's contribution is limited. The extension would not fully replicate the intricacy or architectural character of the bay and would incorporate modern features such as a flat green roof and full-height frameless doors and windows. Nevertheless, a splay and brick piers would loosely reflect the bay's present position and matching facing brickwork would be securable via condition.
8. Moreover, the scheme is centred upon single storey works primarily located to the rear and covering a modest footprint. The extension would read as a subordinate addition and would not be readily visible from publicly accessible locations. As such, when factoring in the lack of any clear uniformity to the rear of the pair and wider row, I find the proposal to satisfactorily respect the host property and the makeup of the site's immediate and wider surroundings.
9. The potential for a precedent to be set has been referenced. However, for the avoidance of doubt, it is my responsibility to consider the proposal that is before me based upon the specific case and site circumstances to hand.
10. For the above reasons, the proposed extension would preserve the character and appearance of the CA. The scheme satisfactorily accords with Policies D1 and D2 of the Camden Local Plan (2017), Policies SD1, SD2, SD5 and SD6 of the Redington Frognal Neighbourhood Plan (September 2021) and the National Planning Policy Framework (July 2021) in so far as these policies require that Camden's rich and diverse heritage assets and their settings will be preserved and, where appropriate, enhanced.
11. I also find that, notwithstanding the intended removal of the bay, the proposal satisfactorily accords with the guidance contained within the Camden Planning Guidance - Home Improvements (January 2021) in so far as it sets out that rear extensions should be subordinate to the building being extended, be built from sympathetic materials and respect and preserve existing architectural features.

Other Matters

12. The site is located in proximity to Grade II listed buildings that include No 24 Heath Drive and Nos 40 and 42 Ferncroft Avenue. The significance and special interest of these designated assets is drawn, in-part, from their historic origins and ornate designs. By virtue of the limited scale of development being considered and the separation distances involved, the proposal would avoid causing any loss of heritage significance via bringing forward development within the settings of these listed assets.
13. An unsuccessful appeal¹ at the same site dating back to 1998, in-part relating to the intended erection of a conservatory to the rear, makes up part of the submitted evidence. For the avoidance of doubt, not least due to its age and to it relating to a different form of development, it is a decision of limited relevance to my considerations.
14. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

15. In the interests of certainty, a condition setting out the approved plans is required. In the interests of preserving the character and appearance of the CA, a condition to ensure that external-facing materials match existing is reasonable and necessary to impose.

Conclusion

16. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

¹ T/APP/X5210/A/97/288212/P8