



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: 24th May 2022

Appeal Ref: APP/X5210/W/21/3286810

100 Avenue Road, London NW3 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Essential Living (Swiss Cottage) Ltd against the decision of London Borough of Camden.
- The application Ref 2021/0022/P, dated 4 January 2021, sought approval of details pursuant to Condition No 18 of planning permission Ref 2014/1617/P, allowed under appeal Ref APP/X5210/W/14/3001616 on 18 February 2016. Condition No 18 was reworded via non-material amendment Ref 2019/1405/P, granted on 7 May 2019.
- The development granted planning permission is: *Demolition of the existing building and redevelopment with a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 1,041sqm of flexible retail/financial or professional or café/restaurant floorspace (Classes A1/A2/A3) inclusive of part sui generis floorspace or potential new London Underground station access fronting Avenue Road and up to 1,350sqm for community use (Class D1) with associated works including enlargement of the existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements.*
- The application for approval of details was refused by notice dated 5 October 2021.
- Condition No 18, as reworded, states that: *Development works above ground (other than demolition) shall not take place until details of the following have been submitted to, and approved in writing by, the local planning authority:*
 - a) *Material samples and detailed drawings (scale 1:10) for typical external materials;*
 - b) *1:1 mock-up of typical elevation bay, including windows and cladding surrounds for either the north or south elevations of the tower building;*
 - c) *Detailed drawings (scale 1:10) of the structural grid, in terms of its proportions and thickness of elements and the technical detail of these elements;*
 - d) *Detailed technical drawings of all types of walls and external features (scale 1:10), showing in detail the interface and joints of all different materials and features;*
 - e) *Detailed drawings (scale 1:10) including typical sections at 1:10 of external windows and door frames; and*
 - f) *Material samples of typical balconies and roof terraces.**The relevant part of the works shall not be carried out otherwise than in accordance with the details approved.*
- The reason given for the condition is: *To safeguard the appearance of the site and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the Camden Local Plan 2017.*

Decision

1. The appeal is allowed and Condition 18 of planning permission Ref 2014/1617/P (appeal Ref APP/X5210/W/14/3001616), as amended via non-material amendment Ref 2019/1405/P, is discharged in accordance with the

terms of application Ref 2021/0022/P, dated 4 January 2021, and the plans/details¹ submitted with it.

Preliminary Matters

2. The appeal site is proximate to various Grade II* and II listed buildings including the Grade II listed Swiss Cottage Library, the Grade II* listed Belsize Fire Station, the Grade II* listed Alexandra Road Estate, the Grade II listed Regency Lodge, and the Grade II listed and temporarily relocated Hampstead Figure Sculpture. It is also proximate but beyond the boundaries of the Belsize Conservation Area, the Fitzjohns and Netherall Conservation Area, the Elsworthy Road Conservation Area, the St John's Wood Conservation Area, the South Hampstead Conservation Area, and the Alexandra Road Conservation Area.
3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard be had to the desirability of preserving listed buildings or their settings, or any features of special architectural or historic interest which they possess. Paragraph 200 of the Framework sets out that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification.
4. Whilst I have had regard to this statutory duty and the stated Framework requirement in my consideration of this appeal, having considered the scheme in respect of designated heritage assets, their settings and relationship with the appeal site, my reasoning below focuses upon the effects on the Grade II listed Swiss Cottage Library (the listed library) and the setting of the Belsize Conservation Area (the CA).

Main Issue

5. The effect of the proposed details upon the character and appearance of the area, having particular regard to the effect upon the settings and thereby the significance of relevant designated heritage assets.

Reasons

6. The appeal site occupies a prominent location fronting Avenue Road in Swiss Cottage, a busy urban area in northwest London. Built form locally comprises an eclectic mix of buildings of varying ages, architectural styles, heights and external facing materials.

¹ Condition 18 Technical response (August 2021); Submission of Details: Façade Materials Heritage Assessment (June 2021); 01-ZZ-DR-A-21800 Rev P2; 01-ZZ-DR-A-21801 Rev P2; 01-ZZ-DR-A-21802 Rev P2; 01-ZZ-DR-A-21803 Rev P2; 01-ZZ-DR-A-21805 Rev P2; 01-ZZ-DR-A-21806 Rev P2; 01-ZZ-DR-A-21807 Rev P2; 01-ZZ-DR-A-21808 Rev P2; 01-ZZ-DR-A-21809 Rev P2; 01-ZZ-DR-A-21810 Rev P2; 01-ZZ-DR-A-21811 Rev P2; 01-ZZ-DR-A-21812 Rev P2; 01-ZZ-DR-A-21813 Rev P2; 01-ZZ-DR-A-21814 Rev P2; 01-ZZ-DR-A-21815 Rev P2; 01-ZZ-DR-A-21816 Rev P2; 01-ZZ-DR-A-21817 Rev P2; 01-ZZ-DR-A-21818 Rev P2; 01-ZZ-DR-A-21819 Rev P2; 01-ZZ-DR-A-21820 Rev P3; 01-ZZ-DR-A-21821 Rev P2; 01-ZZ-DR-A-21822 Rev P2; 01-ZZ-DR-A-21823 Rev P2; 01-ZZ-DR-A-21824 Rev P2; 01-ZZ-DR-A-21825 Rev P2; 01-ZZ-DR-A-21850 Rev P2; 01-ZZ-DR-A-21851 Rev P2; 01-ZZ-DR-A-21852 Rev P2; 01-ZZ-DR-A-21853 Rev P2; 01-ZZ-DR-A-21854 Rev P2; 01-ZZ-DR-A-21855 Rev P2; 01-ZZ-DR-A-21856 Rev P2; 01-ZZ-DR-A-21857 Rev P2; 01-ZZ-DR-A-21858 Rev P2; 01-ZZ-DR-A-21859 Rev P2; 01-ZZ-DR-A-21860 Rev P2; 01-ZZ-DR-A-21861 Rev P2; 01-ZZ-DR-A-21862 Rev P2; 01-ZZ-DR-A-21863 Rev P2; 01-ZZ-DR-A-21864 Rev P2; 01-ZZ-DR-A-21865 Rev P2; 01-ZZ-DR-A-21866 Rev P2; 01-ZZ-DR-A-21867 Rev P2; 01-ZZ-DR-A-21868 Rev P2; 01-ZZ-DR-A-21869 Rev P2; 01-ZZ-DR-A-21870 Rev P2; 01-ZZ-DR-A-21871 Rev P2; 01-ZZ-DR-A-21872 Rev P2.

7. The framing elements of the consented buildings are annotated upon the approved elevations as stone piers/beams and are variously referred to within original supporting documentation as, for example, stone, artificial stone or reconstituted stone. Nevertheless, material details are secured via condition. This necessarily offers some flexibility as regards the detailed specification of the external-facing products to ultimately be used. As part of the submission that is before me, it is intended that Glass Reinforced Concrete (GRC) be utilised.
8. Sample elevations of the proposed GRC panels have been erected on site, which I was able to examine at close quarters during my site visit. Whilst the material is a composite rather than natural stone, I observed the installed GRC panels to be of robust composition, providing a textured finish with variation in colour that replicates a stone-like appearance. In my judgement the product did not stand out as being overtly artificial or as an inferior quality material choice if compared with reconstituted stone, for example.
9. It has been put to me that the GRC panelling would not age well nor stand the test of time. However, this has not been robustly substantiated. Rather, horizontal metal cills would assist in guarding against water staining and ensuring an even weathering/aging of the GRC material across the building.
10. The metal cills, to be powder-coated in a light colour to blend with adjacent panelling, would not represent noticeable nor inelegant features. Furthermore, visible joints between panels would not be excessive in number nor regularity and would be logically aligned/treated to limit their perceptibility. Moreover, the GRC panelling would suitably complement the other external-facing materials to be used, which includes brickwork of varied colouring incorporating recessed mortar joints, metal balustrading, aluminium panelling, and high-level glass rainscreen cladding.
11. The listed library is situated a little way to the south of the appeal site along Avenue Road. The significance and special interest of the listed library is drawn, in part, from its civic identity, the intricacy of its design, and the articulation of external facing materials that includes pre-cast concrete aggregate panels and smooth Portland stone at ground floor. It was identified by the previous Inspector² that the intended panel and frame arrangements would reflect and work well with the listed library.
12. To my mind, the textured finish and subtle colour variations of the GRC would offer a sympathetic material treatment that would neither jar with nor undermine the articulation or material palette seen to the listed library. Thus, the special interest of the Grade II listed building would be preserved and there would be no harm caused to its significance through the nature of the development within its setting.
13. The previous Inspector identified that the development proposal would cause some limited less than substantial harm to the CA, associated with available views from Belsize Park. Whilst I note the different composite qualities of GRC panelling if compared to natural or reconstituted stone, I do not consider it would stand out as unsympathetic nor as poor quality. To my mind, the GRC material would have an acceptable effect on the setting of the CA, the significance and special interest of which would therefore be preserved.

² APP/X5210/W/14/3001616

14. For the above reasons, the proposed details would not cause harm to the character and appearance of the area and would preserve the special interest and significance of relevant designated heritage assets. Indeed, the design achievements of the scheme granted planning permission are suitably reflected and supported by the suite of detailed information submitted. Each individual requirement of the condition has been satisfied.
15. The proposed details satisfactorily accord with Policies D1 and D2 of the Camden Local Plan (2017) in so far as these policies require development to comprise details and materials that are of high quality and complement the local character, and that Camden's rich and diverse heritage assets and their settings will be preserved and, where appropriate, enhanced. I am also content that there is satisfactory accordance with the requirements of Policy D9 of the London Plan 2021, in so far as it indicates that the architectural quality and materials of tall buildings should be of an exemplary standard.

Conclusion

16. For the above reasons, the appeal is allowed. Thus, Condition 18 attached to planning permission Ref 2014/1617/P, as amended via non-material amendment Ref 2019/1405/P, is hereby discharged.

Andrew Smith

INSPECTOR